

# CITY OF BEAVERTON



# COUNCIL AGENDA

## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
JUNE 5, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

VISITOR COMMENT PERIOD:

PRESENTATIONS:

06085 PGE Presentation and Update

06086 Tree City USA Growth Award

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of May 15 and the Special Meeting of May 25, 2006

06087 Liquor Licenses: New Outlet - Gold Fountain Restaurant & Lounge; Macheezmo Mouse & The Hottest Dog. Change of Ownership - Pizza Pazza. Greater Privilege - Elmer's Breakfast-Lunch-Dinner - Cornell Oaks

06088 Boards and Commissions Appointments - LeRoy O'Brien and Philip Ruban to Citizens with Disabilities Advisory Committee

06089 A Resolution Adopting Updated Board of Design Review Bylaws (Resolution No. 3858)

Contract Review Board:

06090 Bid Award – Relocation of 16" Waterline at Beaverton Creek Project

## PUBLIC HEARINGS:

06091            Proposed Water Consumption Rate and Demand (Meter) Charge  
Increase for Operating the City's Water System (Resolution No. 3859)

## WORK SESSION:

06092            Regulation of Payday Loan Businesses

## ORDINANCES:

### First Reading:

06093            An Ordinance Relating to the Building Code Amending Beaverton Code  
Section 8.02.015(A) (Ordinance No. 4393)

### Second Reading:

06084            TA 2006-0002 (Floodplain Text Amendment) (Ordinance No. 4392)

## EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

## ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

## **AGENDA BILL**

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** PGE Presentation and Update

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06085

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 05-31-06

**CLEARANCES:** None

**PROCEEDING:** Presentation

**EXHIBITS:** Attached

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$
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### **HISTORICAL PERSPECTIVE:**

PGE has been a long time service provider to the residents and businesses in Beaverton. Recently PGE has become independent from its previous parent company, Enron.

### **INFORMATION FOR CONSIDERATION:**

None.

### **RECOMMENDED ACTION:**

Listen to presentation from PGE representatives.



Portland General Electric

## **PGE pricing – how it works.**

This Q&A document presents an overview of PGE's pricing – how we generate power, set electricity prices, and what we can all do to manage energy costs. From this document, you can learn:

- **Where your PGE dollar goes**
- **Where costs are headed in the future**
- **PGE price increases for 2006**
- **How PGE is controlling costs to keep prices as low as possible**
- **What you can do to manage your energy use**

**Q: When I pay a dollar to PGE, where does it go?**

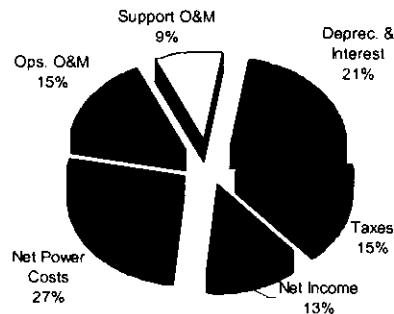
**A:** When you buy a dollar's worth of electricity from PGE, the largest portion goes to making or buying the electricity itself. The major power delivery costs include:

- Repair, maintenance & upgrades to PGE's distribution and transmission system
- Repairing, maintaining and operating power plants
- Fuel for power plants: natural gas, coal and oil
- Wholesale electricity purchases
- Customer service and administration

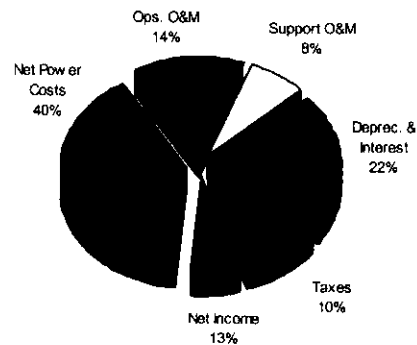
In the year 2000, 27 cents of each dollar you paid for electricity went to making or buying power. In 2005, it ran at 40 cents of each dollar - that's a significant increase due to a variety of factors.

## How \$1 of Revenue was used.....

**... in 2000**  
(\$1083 Million of Revenue)



**... in 2005**  
(\$1357 Million of Revenue)



***PGE's power costs are rising – other costs are remaining stable***

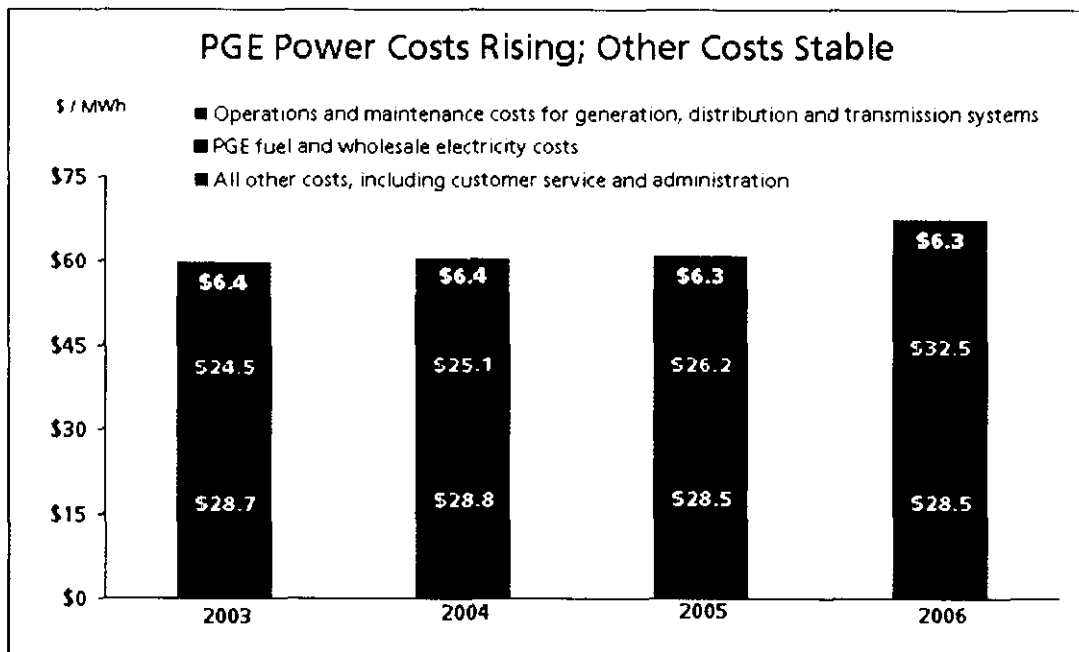
While the prices we pay for fuel and wholesale power have jumped in recent years, operating costs such as customer service and administration - have remained stable.

**Q: How is PGE doing its part to reduce costs?**

**A:** PGE is holding the line, working hard to keep our costs to a minimum, so your costs are kept as low as possible. Here are just a few examples:

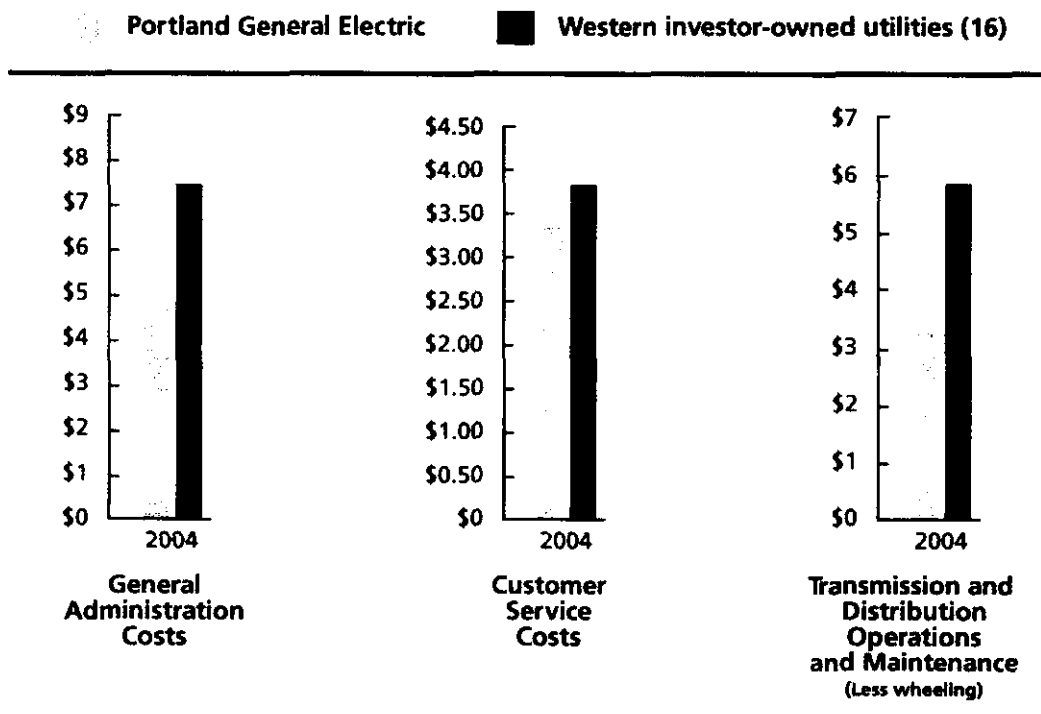


Across the company, we're serving more customers each year, while maintaining high levels of satisfaction and reliability.



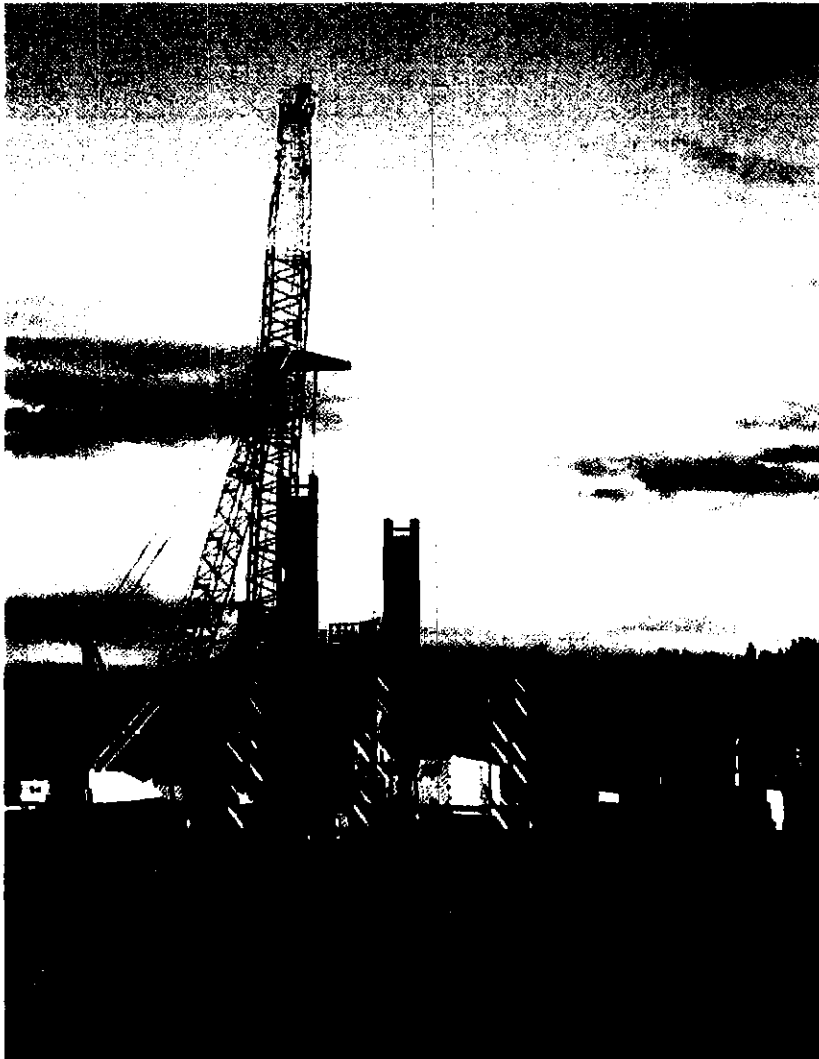
PGE's operating costs are far below those of similar utilities in the West.

### Utility Cost Comparisons per MWh Sold



Source: RDI Powerdat, U.S. DOE and utility data provided to FERC. No adjustments have been made to account for differences in utility system design, construction and maintenance; energy production and energy consumption; or accounting practices.

For another example - when planning the construction of Port Westward - our newest power plant - we negotiated fixed contracts with our suppliers. This means even though the cost of raw materials such as concrete and steel have gone up more than 20% since the project began, the cost to PGE hasn't.



**Q: Why are electricity costs rising?**

**A:** Just about every form of fuel has gone up in price during the past few years, whether it's natural gas, heating oil or gasoline. This isn't a regional event; it's a global one.

Natural gas is one of the most popular fuels for producing electricity. It's also used for home heating. Because of the wide use of natural gas nationwide, coupled with a supply and demand imbalance, prices for natural gas have been rising. With recent supply disruptions such as the Fall 2005 Gulf Coast hurricanes, the natural gas supply problem has only gotten worse.

## **PGE POWER SOURCES**

**Q: As a PGE customer, where does my power come from?**

**A:** At PGE, your power comes from a variety of sources. We own eight hydro-electric plants, a share of coal plants in Oregon and Montana, a natural gas plant and one plant that can run on either natural gas or oil, whichever is more economical. Our power supply mix also includes renewable power from Oregon and Washington wind farms. We've developed a diverse group of resources because, just as investors know, it can be risky to put all your eggs in one basket. This balanced portfolio helps keep prices more stable.

When PGE plants are all running at full capacity, in a normal year, we generate 63% of all the electricity we supply. How do we fill the gap? Some of the remaining power comes from hydroelectric generation on the Columbia River. The rest is purchased on the wholesale power market. The Bonneville Power Administration funds some of our purchases, through an agreement to share the benefits of federal hydropower with our residential customers.

**Q: How does this change from year to year?**

**A:** When it comes to the types of power supply sources we use, weather and market conditions can change, so every year is different. In 2004, almost half of our power was purchased on the wholesale market. One reason for this was below-average production from our hydroelectric plants.

**Q: Doesn't most of our power come from hydropower?**

**A:** Hydropower is relatively inexpensive, but the amount of power produced depends on regional rainfall and snow pack. For more than five years, river runoff in this region has been below normal. In low water years like we've had in the recent past, we can't generate as much electricity from our hydro plants. Nor do we get full production from the Columbia River hydro projects from which we buy power. So we make up the difference by purchasing electricity on the wholesale market.

**Q: What other power generation are you working on?**

**A:** We're now constructing a major new power plant on the outskirts of Clatskanie in Oregon's Columbia County. With this plant, we can generate more of our own electricity instead of buying it on the wholesale market.

With state-of-the art Mitsubishi "G1" class combustion turbine, the Port Westward power plant will be one of the most highly efficient plants of its kind in the West. It will be our second largest power plant, with a 400 MW capacity, enough to power 300,000 homes.



We're also building our resource base in other ways. We're adding 200 MW of wind power. And we've secured 150 MW of power through contract purchase agreements that run for five to 10 years. It's all part of a strategy focused on price stability through a balanced and diverse resource mix.

## **ENERGY MARKET TRENDS**

**Q: I've heard natural gas prices have risen dramatically. What's the latest on that?**

**A:** Natural gas is one of the primary fuels used to generate power. A combination of factors has pushed natural gas prices higher in the West. New pipelines from Canadian gas fields have opened up access to states east of the Rockies. This has tightened supplies and subjected Western markets to influences of the national gas market, including supply disruptions and national weather patterns. Strong demand for natural gas has kept wholesale prices for this fuel elevated for several years.

In August and September 2005, Hurricanes Katrina and Rita cut through the Gulf of Mexico, where 25% of the nation's natural gas is produced. The storms disrupted 90% of the Gulf's gas production facilities. Following the storms, daily natural gas prices rose 33%. These recent hurricanes show how the national supply can be adversely affected.

The good news is that during the next 10 to 20 years, natural gas prices are expected to fall below what they were back in 2003. Why? The U.S. is now building facilities to import a lot more natural gas in liquid form. Super-cooled liquefied natural gas, or LNG, has 1/600<sup>th</sup> the volume of gas, allowing it to be imported by tanker shipments. The number of U.S. import terminals, where the liquid is converted back into natural gas, is expected to triple during the next several years.

Because natural gas is a primary fuel source for electric utility generators, wholesale electricity prices are affected by natural gas price trends. That's why we're seeing a rise in wholesale electricity prices.

**Q: What about other sources, such as coal?**

**A:** PGE has secured favorable coal prices for the coal plants we partly own in Boardman, Ore., and Colstrip, Mont. To hedge our position, in spring 2005 we switched from an annual to a three-year coal contract for our Boardman coal. After the three-year-deal was signed, rail delivery problems across the nation pushed coal prices up by more than \$8 a ton. Because of our strategy – and thanks to a little good luck – we expect to save about \$39 million or more through 2008.

## **OUR NEW ENERGY RESOURCE STRATEGY**

### **Q: How are you planning ahead for procuring energy sources?**

**A:** For years, consumers benefited from PGE's strategy of staying "short" and purchasing low-cost power on the open market instead of building new company-owned generation to meet the demand. But the wholesale power market no longer offers the consistently low prices or the predictability it once did.

As we look to the future, we also have to accommodate our growing economy. The electrical demand of our service area is growing about 2% each year.

PGE has adopted a new resource strategy to address this growing need and secure our energy future. In 2004, we bought almost half our power through short-term purchases on the wholesale market. By 2007, we'll be filling most of our resource gap through the construction of a new power plant, new wind resources and multi-year power contracts.

Our Port Westward Power Plant will be one the most efficient power plants of its type in the West. With a 400 MW capacity, it will produce enough electricity to power 300,000 homes. Located in Columbia County, Port Westward is scheduled to begin commercial operation in May 2007.

### **Q: What's the latest on wind power?**

**A:** In the future, PGE will have more wind power than ever before. The Klondike wind farm near Wasco, Ore., added 50 new wind turbines in 2005 as part of an expansion project known as Klondike II. PGE signed a 30-year contract to purchase 100% of the electricity from Klondike II. With 75 megawatts of capacity, this is enough electricity to power 18,000 homes. This is the first step toward meeting our goal of including about 200 megawatts of renewable power capacity in PGE's portfolio. This amount represents about 6 percent of PGE's total capacity.

With our regional hydropower system affected by drought conditions — and fossil fuels getting more expensive — diversifying our portfolio with more wind power makes sense.

### **Q: What about your existing power plants?**

**A:** One strategy that hasn't changed is our long-term commitment to plant efficiency. By upgrading a plant, we can increase the output with virtually no increase in use of fuel, water or emissions. This, in effect, creates a "virtual power plant." Recent upgrades to our Beaver Natural Gas plant, Boardman Coal plant and Faraday Hydro plant provided 50MW of additional capacity, enough to power 12,000 homes.

**Q: Tell me more about the power you do buy on the market.**

**A:** Longer-term power contracts contribute to rate stability and enhance the diversity of our portfolio. PGE has recently secured five- to 10-year power contracts that provide us with an additional 150 MW of electricity at fixed prices.

Our skilled power traders are constantly buying and selling fuel and power on the market to manage costs and keep our load balanced. A five-year study by an economist with the Oregon Public Utility Commission found we secured the lowest overall prices for natural gas among five Northwest gas and electric utilities.

## **WHAT WE'RE DOING TO CONTROL COSTS**

**Q: What is PGE doing to keep costs as low as possible?**

**A:** We're doing our best to keep a lid on our prices by doing what we can to control our costs and keep operations efficient. PGE has integrated cost management into its business operations through practices such as benchmarking and continuous process improvement

One way we're working on efficiency is in keeping staffing levels lean. PGE has 128 fewer employees today than it had five years ago, though we've added more than 45,000 customers. Reductions have been made at all levels, including middle and upper management. In 2003, the company initiated a 10 percent management reduction, eliminating 34 positions. And since 2002, the senior executive team has been trimmed from 16 officers to 11.

PGE has worked to hold the line on the spiraling health care costs that have affected all employers. In 2006, the company will not pay any more for its healthcare than it did in 2005. How did we keep costs from increasing? We hired independent actuaries to check the work of insurance underwriters and successfully negotiated lower costs with insurers.

PGE recently participated in an independent comparison study of healthcare spending for non-union workers, which make up 2/3 of our workforce. The study compared PGE spending with that of 450 companies in 18 industries. The study found that PGE's actual health care costs were 8.8 percent lower than average within our industry. PGE's healthcare program costs were 12 percent less than average for all industries, when the data was adjusted for regional and demographic differences.

**Q: What about plant efficiency?**

**A:** PGE has embarked on a long-term program to retrofit equipment that improves plant performance at our 12 hydroelectric and thermal plants.

During the past 14 years, these efficiency upgrades have resulted in 551 million additional kWh per year (enough electricity to power 50,877 homes) without any

increase in fuel or water use. One-third of the total came from a major plant upgrade in 2004.

If we had to go out and buy this power, it would cost more than \$38 million, based on November 2005 market prices. (Figured at \$70 per MWh for 2006 pricing, as of Nov. 22). Year after year, that adds up to big savings.

Sometimes it pays to refurbish old equipment instead of buying new. Every year, PGE saves more than \$1.2 million a year by rebuilding electrical equipment instead of replacing it. In a typical year, PGE overhauls 1,500 electrical transformers and puts them back in service.

**Q: How does PGE's costs compare with other utilities?**

**A:** How do we know if we're doing a good job managing our costs? We take part in benchmarking comparisons with other utilities. In the most recent survey (2004), PGE's total operations and maintenance costs, based on each MWh of electricity sold, were well below the average of 16 other investor-owned utilities in the West.

PGE costs are:

- 33 percent below our peer average for general administration,
- 12 percent below average for customer service and
- 43 percent below average for operating its transmission and distribution systems.

**WHAT YOU CAN DO**

**For home energy savings:**

- **See tips and tools on [PortlandGeneral.com/Energy](http://PortlandGeneral.com/Energy)**
- **Complete an online energy analysis**
- **Consider rebate incentives and tax credits**
- **Need more advice? Contact our energy experts.**
  - **E-mail: [energy.experts@pgn.com](mailto:energy.experts@pgn.com)**
  - **Phone: 800-722-9287**

**To control energy costs at your business:**

- **Start with low-cost or no-cost steps for savings**
- **Take advantage of PGE training**
- **Use energy analysis tools**
- **Take advantage of incentives and business tax credits**
- **Visit the business section of [PortlandGeneral.com](http://PortlandGeneral.com)**
- **Need more advice? Contact our Business Services Team.**
  - **E-mail: [Business.Services@pgn.com](mailto:Business.Services@pgn.com)**
  - **Phone in Portland: 503-228-6322**
  - **Phone in Salem: 503-399-7717**
  - **Phone outside Portland/Salem: 800-542-8818**

**PGE is an investor-owned utility regulated by the Oregon Public Utility Commission. This government-appointed commission and its professional staff must make sure that rates are fair and reasonable. If you have questions about the commission or the rate-making process, visit their Web site or contact them.**

**Oregon Public Utility Commission**

- **Web site: <http://eqov.oregon.gov/PUC>**
- **E-mail: [puc.consumer@state.or.us](mailto:puc.consumer@state.or.us)**
- **Phone: 1-800-522-2404 (503-378-6600 in Salem)**

**Issues in Perspective  
2007 Rate Case  
March 2006**

**PGE's Proposed Pricing Changes for 2007**

On March 15, 2006, PGE filed a rate case with the Oregon Public Utility Commission (OPUC) requesting a price increase in 2007.

**Why is PGE seeking a price increase?**

The primary reason for this request is rising cost of wholesale fuel and power. The estimated power costs for 2007 are highly dependent on variable wholesale power and fuel cost forecasts, so this component is subject to change. Purchased power and fuel cost adjustments are passed through without any profit or mark-up.

PGE is also requesting cost recovery for our new, super-efficient Port Westward power plant being built in Columbia County, Ore. This is a prudent investment decision, the outcome of a through public planning process designed to identify the best (lowest cost) options for securing our energy future. The price increase for the Port Westward portion will not take effect until the plant actually goes online, estimated in March 2007.

The third and smallest component of this request involves non-power costs. This includes general business expenses and costs for maintaining PGE's high level of customer service and system reliability. We're meeting our customers' needs in a service area where demand for electricity is growing by about 2 percent annually. Our business costs, such as the price of steel, copper and other materials, have increased. This will be our first request to increase non-power costs in five years.

**What is the proposed rate increase?**

PGE is beginning this process with a request for an overall rate increase of 8.9 percent. The increase is made up of three components, which are approximately as follows:

- Power costs: 4.1 percent
- Port Westward: 2.9 percent
- Non-power costs: 1.7 percent

**What are the proposed price increases, by customer class?**

- Residential customers: 8.5 percent
- Business customers (Schedule 32): 10.5 percent
- Commercial and Industrial customers (Schedule 83): 8.7 percent

**What is the timeline for this request process?**

This request is the first step in a thorough process overseen by the OPUC, which sets PGE's prices. There will be public hearings and workshops over a 10-month period, with input from customer groups, local governments and other stakeholders. Everything in our initial rate case filing is subject to change based on this hearing process. Hearing dates will be set by the OPUC. We expect a final decision in November/December, with an effective date of Jan. 1, 2007, for power and operations costs and March 1, 2007, for Port Westward costs.

**Why is PGE building the Port Westward power plant?**

With this major new plant under construction on the outskirts of Clatskanie, Ore., PGE will generate more of its own electricity, relying less on wholesale market purchases.

With a state-of-the-art Mitsubishi "G1" class combustion turbine, Port Westward will be one of the most highly efficient plants of its kind in the Pacific Northwest. It will be our second largest power plant, with a 400-megawatt capacity, about enough to power 300,000 homes.

For years, customers benefited from PGE's strategy of purchasing low-cost power on the open market instead of building new company-owned generation to meet our demand. But the wholesale power market no longer offers the consistently low prices or stability it once did. Port Westward is just one of many ways PGE is proactively securing our customers' energy future.

**Why have PGE's operational costs risen?**

First, we're serving many more customers. Last year alone, PGE added more than 14,000 customer accounts. That's like adding another Oregon City to our service area. Over the past four years, our customer base has grown by 6.5 percent. To provide this growing customer base with reliable service, we have expanded substations, built new connections and added transmission and distribution equipment. We are also offering more services to customers than ever before, such as online bill payment and account management tools.

Secondly, inflation has driven up our costs of doing business. For example, our business requires us to purchase a lot of metal materials, and the costs of steel and copper have risen dramatically in recent years. This is due in part to natural disasters and the growing need for these materials in countries such as China.

Finally, the cost of wages and benefits for our labor-intensive business has increased over the past five years. PGE has a workforce of 2,700 people. As with other employers, PGE's costs for employment taxes, insurance benefits and healthcare coverage have all risen dramatically.

**What has PGE done to minimize costs and be more efficient?**

We have consistently kept staff levels lean. We operate with 4.5 percent fewer employees today than five years ago (123 fewer staff), though our customer base has grown 6.5 percent, adding 49,035 customer accounts in the past four years. Staff reductions have been made at all levels, including middle and upper management.

We have a long-term program to retrofit equipment that improves plant performance at our 12 hydroelectric and thermal plants. During the past 14 years, these efficiency upgrades have resulted in 551 million additional kWh per year – enough electricity to power 50,877 homes – without any increase in fuel or water use. If we had to buy this power on the market, it would cost more than \$38 million, based on current market prices.

PGE has integrated cost management into its business operations through practices such as benchmarking and continuous process improvement. In the most recent (2004) benchmarking survey with other utilities, PGE's total operations and maintenance costs, based on each megawatt hour of electricity sold, were 40 percent below the average of 16 other investor-owned utilities in the West and 23 percent below the average of Northwest investor-owned utilities.

**How is PGE making sure the electrical system is reliable?**

Reliable power is a top priority for our customers, so we're investing in our system to ensure your reliability. The population of PGE's service territory is growing yearly, and we're continually adding connections and enhancing our infrastructure to improve service. In 2006, PGE will invest more than \$70 million on system reliability.

**What other elements are included in the rate request?**

In addition to the price adjustment, we are proposing changes to certain classes of Schedule 83 (large commercial and industrial) customers, and adding direct access options. Changes affecting these large customers include:

- **New rate class for large loads.** Rate Schedule 83 will be split into two schedules, with a new Schedule 89 for customers with peak demand exceeding 1 MW. Serving large-load customers is more efficient for PGE, and Schedule 89 prices will reflect the economies of scale for delivery services.
- **Rate schedule available again for seasonal customers.** Customers with less than 200 kW demand and highly seasonal loads will benefit from the reopening of Rate Schedule 38, which has not been available to new customers since 2001. Customers on this schedule will pay no demand charge, but will have a higher energy charge than Schedule 83 customers.



- **New options for direct access:**

1) We're adding a new monthly enrollment period for customers with a load greater than 1 aMW. These customers can choose to leave PGE's annual Cost of Service rate for the remainder of the calendar year. They can either go to market-based pricing or switch to an alternate Electricity Service Supplier.

2) Customers with a load greater than 10 aMW will be able to split their load between PGE's annual Cost of Service rate and a direct access option. Enrollment would take place during November, effective the following January.

**How can I provide input to the rate-making process?**

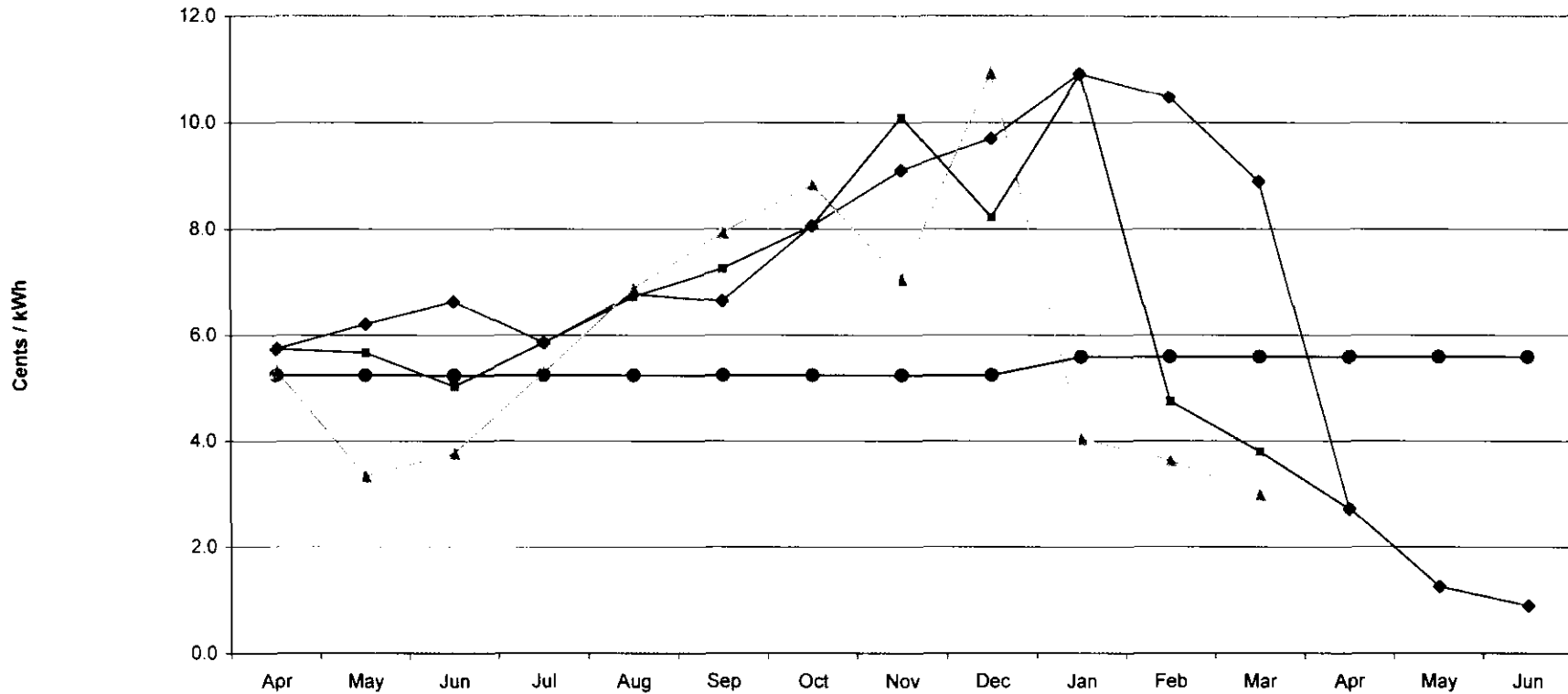
Check with the OPUC Web site for public hearing dates. Visit them at [www.puc.state.or.us](http://www.puc.state.or.us).

**Where can I get more information?**

Documents filed with the OPUC about the rate case are also available on our Web site at **[PortlandGeneral.com/Tariffs](http://PortlandGeneral.com/Tariffs)**. Additionally, we have created an online multimedia presentation on how PGE sets prices, where your power comes from and how we can help you manage your energy costs. See that on our Web site at **[PortlandGeneral.com/Pricing](http://PortlandGeneral.com/Pricing)**.

For more information, residential customers can contact PGE Customer Service at 503-228-6322 or 800-542-8818 or by e-mail at [customer.service@pgn.com](mailto:customer.service@pgn.com). Business customers may contact PGE Customer Service at 800-822-1077 or by e-mail at [business.services@pgn.com](mailto:business.services@pgn.com).

**Schedule 83-Secondary Voltage Charges at Various Options 2005-06**  
(Weighted for On & Off Peak Prices)



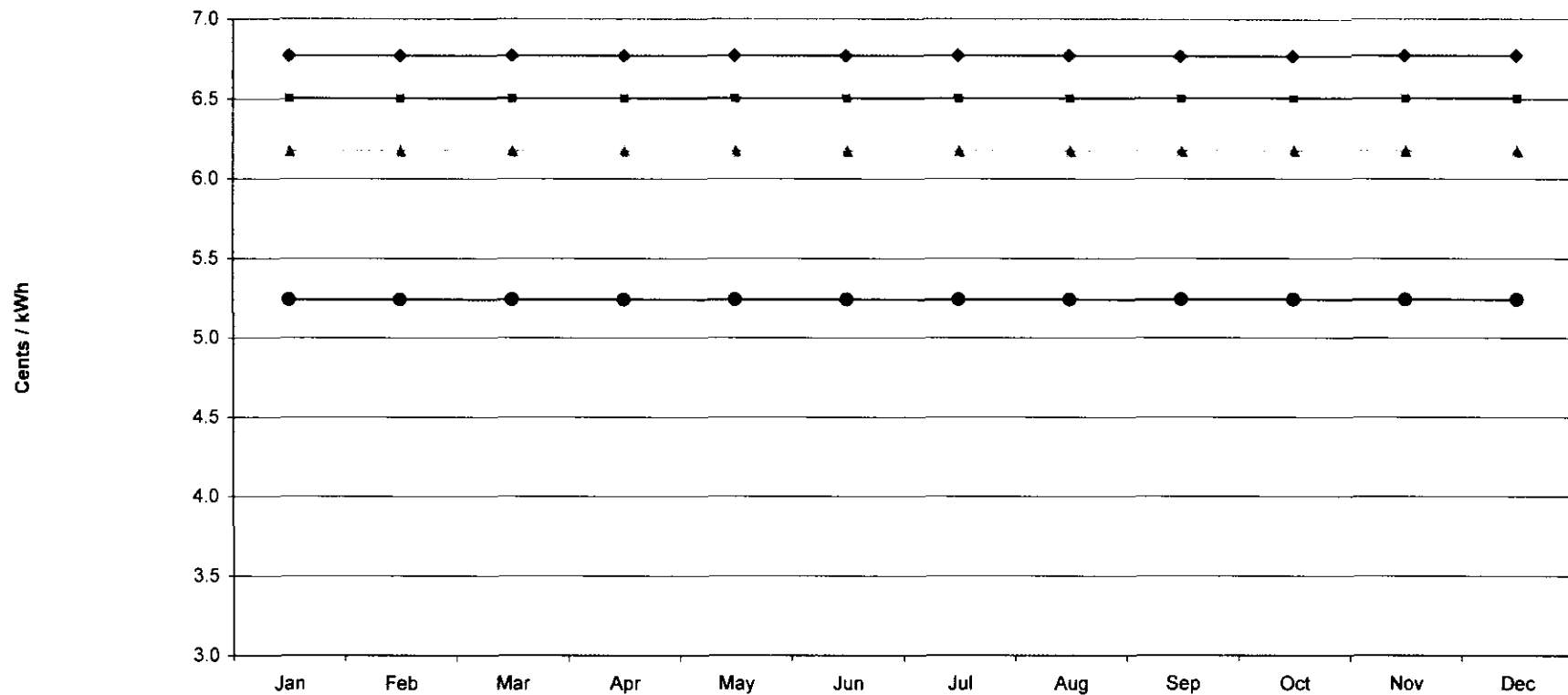
	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06
● Annual 83-S	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.588	5.588	5.588	5.588	5.588	5.588
◆ Quarterly 83-S	5.734	6.202	6.629	5.849	6.768	6.639	8.057	9.098	9.694	10.912	10.474	8.889	2.715	1.250	0.892
■ Monthly 83-S	5.734	5.663	5.026	5.849	6.725	7.256	8.057	10.092	8.220	10.912	4.746	3.798	2.715		
▲ Daily 83-S	5.309	3.331	3.766	5.285	6.878	7.933	8.839	7.044	10.927	4.038	3.632	2.982			

~ Includes ALL pricing adjustments applicable to Sch 83 based upon a cents/kWh charge, except Sch 108, 115, & 130-A

~ Annual 83-S (tou) prices are weighted using >1000 facility capacity tariff rate

~ Any representation of past performance is NOT a prediction of future prices

**Average Schedule 83-Secondary Voltage Charges at Various Options 2005**  
(Weighted for On & Off Peak Prices)



	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05
● Annual 83-S	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240	5.240
◆ Quarterly 83-S	6.769	6.769	6.769	6.769	6.769	6.769	6.769	6.769	6.769	6.769	6.769	6.769
■ Monthly 83-S	6.502	6.502	6.502	6.502	6.502	6.502	6.502	6.502	6.502	6.502	6.502	6.502
▲ Daily 83-S	6.176	6.176	6.176	6.176	6.176	6.176	6.176	6.176	6.176	6.176	6.176	6.176

~ Includes ALL pricing adjustments applicable to Sch 83 based upon a cents/kWh charge, except Sch 108, 115, & 130-A

~ Annual 83-S (tou) prices are weighted using >1000 facility capacity tariff rate

~ Any representation of past performance is NOT a prediction of future prices

\$55,699,668.73	\$56,730,256.38	\$55,126,700.77	\$60,472,511.52	\$46,315,837.58	\$43,457,767.01
(\$282,660.08)	(\$364,706.12)	(\$395,423.37)	(\$355,396.95)	(\$180,724.40)	(\$168,876.88)
\$55,417,008.65	\$56,365,550.26	\$54,731,277.40	\$60,117,114.57	\$46,135,113.18	\$43,288,890.13
\$1,939,595.30	\$1,972,794.26	\$1,915,594.71	\$2,104,099.01	\$1,614,728.96	\$1,515,111.15
(\$33,198.96)	\$57,199.55	(\$188,504.30)	\$489,370.05	\$99,617.81	
-1.7%	3.0%	-9.0%	30.3%	6.6%	

\*Audit adjustments

14	\$111,603.67	51,259,387
5	\$12,963.76	11,820,430

34,715	33,932	783
332,481,096	325,871,724	6,609,372
\$ 27,068,008.58	\$ 26,434,929.24	633,079

4,559	4,467	92
426,880,395	422,942,741	3,937,654
\$ 26,768,765.86	\$ 28,129,798.56	(\$1,361,032.70)

11	12	(1)
27,163,599	30,392,751	(3,229,152)
\$ 1,162,907.04	\$ 1,489,813.98	(\$326,906.94)

6	6	-
5,836,731	5,557,276	279,455
\$ 697,089.42	\$ 663,119.53	33,970

73,256,750	72,368,562
\$5,967,971.48	\$5,795,822.10

72,236,018	70,739,475
\$5,155,494.76	\$4,816,499.47

981,075	953,088
\$119,118.87	\$113,820.82

7,416,299	7,285,397
(\$72,817.97)	\$17,637.49

Total KWH	153,890,142	151,346,522
Total Revenue	\$11,169,767.14	\$10,743,779.88

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Tree City USA Growth Award

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06086

**Mayor's Approval:**

**DEPT OF ORIGIN:**

Public Works/Operations Division

**DATE SUBMITTED:** 05-31-06

**CLEARANCES:**

**PROCEEDING:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$ N/A	AMOUNT BUDGETED \$ N/A	APPROPRIATION REQUIRED \$ N/A
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**HISTORICAL PERSPECTIVE:**

For the twelfth consecutive year, the City of Beaverton has been recognized as a "Tree City USA". To achieve this distinction, the City has committed through ordinances and practices to preserve, manage and enhance existing trees while also promoting the reforestation of Beaverton through the Development Tree Program, the sponsorship and support of volunteer tree planting efforts, new tree planting for land use mitigation and the care and management of tree inventory.

**INFORMATION FOR CONSIDERATION:**

Numerous elements including tree planting, tree preservation, routine care including periodic watering and pest and disease management and pruning are important to the City's selection as a "Tree City USA". The expansion of the tree inventory on a continuing basis is the primary reason the City receives the "Tree City Growth Award". The staff presentation will briefly describe these various program elements and some of the issues involved in the successful management of the City's tree inventory. A representative from the Oregon Department of Forestry will be in attendance to present the award and "Tree City USA" flag.

**RECOMMENDED ACTION:**

Listen to the presentation and receive award.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
MAY 15, 2006

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, May 15, 2006, at 6:35 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, and Cathy Stanton (arrived at 6:55 p.m.). Coun. Dennis Doyle was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Deputy Police Chief Chris Gibson, Project Engineer Brion Barnett, Utilities Engineer David Winship and City Recorder Sue Nelson.

### PRESENTATIONS:

06078 Beaverton Human Rights Advisory Commission (HRAC) Human Rights Essay Contest Award Presentation

Esther Griffin and Sierra Redwine, Beaverton Human Rights Advisory Commission (HRAC) members, introduced themselves and said they served as the Commission's Essay Contest Subcommittee. Griffin said this was the second year the HRAC held the Human Rights Essay Contest and 70 entries were received. She reviewed the process for the contest. She recognized the winner and runners-up for each category. The winners received a \$50.00 gift certificate for Powell's Books; the runners-up received a \$25.00 gift certificate for Powell's Books. The winners performed their pieces. The winners and runners-up were:

#### Elementary School Level:

Winner: Ryan Rothstein, Grade 5, for his poem "I"

Runners-up: Brianna Getchell, Grade 5, for her poster "*No Different, In Ways*" and Drew Wilson and Robbie Stackhouse, Grade 5, for their human rights documentary film "*No Irish Allowed*"

#### Middle School Level:

Winner: Franklin Chen, Grade 8, for his poem "*An African.*"

Runners-up: Evan Henderson, Grade 8, for his essay "*Courage*"; and Tony Athanasakos, Grade 8, for his essay "*Human Rights*"

High School Level:

Winner: Kyle Parisi, Grade 12, for his song "*For the Rights of Man*"

Runners-up: Franchesca Mazzarri-Valverde, Grade 9, for her poem "*Our Angel Glenn Michael Parry*"; and Sasha Boyechko, Grade 11, for her essay "*Human Rights in Decline*"

Griffin thanked the contestants and invited everyone to join in the reception in the First Floor Conference Room to view the artwork submitted by the contestants.

Mayor Drake thanked the HRAC and the students who took the time to participate and share their thoughts. He said young people have great thoughts and a strong conscience. He said they should all be very proud.

Coun. Arnold, on behalf of herself and Coun. Doyle who had to leave, thanked all of the contestants for their works and thoughts.

Mayor Drake said the Visitors Comment Period would be heard at this time.

**VISITOR COMMENT PERIOD:**

James Maguire, Beaverton, said he was a registered voter and homeowner in Beaverton, a former commissioned officer in the US Navy and a graduate of the Naval Academy in Annapolis, Maryland. He asked the City Council for a thorough investigation into the Primary Election filing statements submitted by City Council Candidate Bob Burke. He said in response to his request to the City Recorder for clarification of Burke's education, rank and billets held, Burke replied: "During my career, I had a number of titles including Chief Communications Officer on the USS Georgia a Trident submarine." Maguire said there was no such billet or job title on board a US Navy Trident submarine. He said in his experience in the Navy, the billet or job title on US Navy submarines and surface ships, was Communications Officer, commonly called the Commo or the Coms Officer. These are commissioned, warrant or limited duty officers. He said in his career he never heard anyone referred to as a Chief Communications Officer.

Maguire said he personally contacted the Office of the Commander at Submarine Group 9 in Bangor, Washington and the USS Kentucky, a sister ship to the Georgia, also a Trident submarine. He said neither the Master Chief Petty Officer nor the Lieutenant on duty at ComSub Group 9, had ever heard of the title Chief Communications Officer. He said the Petty Officer on the USS Kentucky stated that Trident submarines have a Communications Officer; on the USS Kentucky this position is currently held by a Lieutenant.

Maguire said that the Voter's Pamphlet filing form asked for the complete name of the school, using no acronyms. He said Burke stated "Navy Campus." Maguire said he personally contacted the Navy College Office at Naval Station Kitsap in Bangor. He said the gentleman who answered the phone confirmed that the Navy Campus does not bestow college degrees or any type of degree. He said the Navy Campus coordinates tuition assistance and administers courses at sea. He said the degrees are bestowed by accredited universities or colleges whose courses these sailors have completed.

Maguire said he believed these obfuscations were meant to deliberately mislead the public and the Beaverton voters in regard to Burke's qualifications, military records and education. He asked that the City investigate Burke's stated qualifications completely. He distributed copies of the Web site pages from the US Navy College at Sea Program, that explained how the College partners with regionally-accredited colleges and universities, and the different degrees offered through the various universities and colleges. He stressed the degrees were awarded from accredited colleges, not the Navy Campus. He said as a citizen of Beaverton who has been involved in making Beaverton the best community possible, he was concerned that Burke was not being completely honest in his filing information regarding education since the Navy Campus does not award bachelor degrees. He asked that the City Council investigate this matter.

Mayor Drake asked the City Attorney to explain the Voter's Pamphlet statement requirements in the Beaverton Charter and his thoughts on this issue.

City Attorney Alan Rappleyea said the Charter requires the City to provide a Voter's Pamphlet. He said the Charter also states that *"If the Council finds that there was a material misstatement of fact published in the City Voter's Pamphlet which was submitted by or in behalf of a person nominated or elected to the Council, the nomination or election of that person is nullified."* He said typically the City does not care what people write in their pamphlet statement; the City does not edit for content at all. He said if someone complains, the City has to investigate and see if there is a material misstatement of fact. He said that was the case in the current situation. Maguire filed a complaint and the City Recorder asked Burke to clarify his statement. He said Burke responded to the complaint and Maguire was not satisfied with the answers. He said it was now being presented to the Council and staff was seeking direction from the Council.

Coun. Stanton said that she would like to know what questions the City Recorder had asked Burke and how he had responded.

Rappleyea distributed that information to Council.

Mayor Drake confirmed with Rappleyea that the City Recorder sent two letters to Burke requesting clarification and written proof of Burke's educational background and rank in the US Navy as requested by Maguire and Burke did not supply that information. He asked Maguire if he was requesting that the Council direct the City Attorney to investigate Burke for verification or proof of what he alleged in the Voter's Pamphlet statement.

Maguire said that was correct; he wished to know Burke's rank or rate in the Navy, what billet titles he held and in what field he received his Bachelor of Science Degree and from what college or university.

Coun. Stanton said when she read Burke's Voter's Pamphlet statement she wondered what Navy campus Burke graduated from.

Maquire said the US Navy has only two accredited universities; the Naval Post Graduate School in Monterey, CA and the Naval Academy in Annapolis, MD.



Coun. Stanton said she felt these concerns were legitimate. She said in looking at the material from Rappleyea, Burke had not been responsive to the City Recorder's questions. She said she would like to move forward on this for clarification. She said in cases such as this, when someone who has knowledge about the subject comes forward to ask that it be investigated; it behooves the Council to do that.

Mayor Drake asked Maguire about Naval ranks. He said a commissioned officer was a certain rank and a chief was a non-commissioned officer.

Maguire said there were three levels of chief; a chief, a senior chief and a master chief. He said those were the three highest levels in the enlisted ranks. He said commissioned officers go from ensign to admiral. He said there were warrant officers and limited duty officers who are commissioned, but it is a limited commission; they are not a line officer. He said it was possible for a warrant officer or limited duty officer to serve on a Trident submarine. He said in his letter, Burke capitalized Chief Communications Officer. He said in his own experience and in SubCom 9, no one had heard of that title on board a submarine, much less a Trident submarine.

Mayor Drake asked if in Navy parlance, the status level is that an officer would command a broader command and would be in charge of any chiefs.

Maguire said that was correct. He said on a Trident submarine there are usually 13-15 commissioned officers and the rest (130 plus) are the enlisted ranks.

Mayor Drake said that according to the Charter, it has to be a material misstatement. He asked how different a non-commissioned officer was from an officer, and if that was material.

Maguire said his concern was that Burke had not provided information on his rate (if he was enlisted) or rank (if he was an officer) at all. He said he (Maguire) was a Lieutenant JG; that was his rank in the Navy. He said he was also concerned about Burke's statement that he received his bachelor's degree from the Navy Campus. Maguire said in all the research that he did and in all the calls to the Naval Campus that statement was blatantly false; the Navy Campus does not bestow a bachelor's degree. He said it would come from the college or university from which he took classes.

Mayor Drake asked Rappleyea if it would be appropriate to have the City Council ask the City Attorney to investigate what Burke stated in the Voter's Pamphlet and whether it was accurate.

Rappleyea replied the City Council is the arbiter of what goes in the Voter's Pamphlet and whether it is a misstatement or not. He said his office could do some research on this and report back in a week or two.

Maguire said his expectation was that Burke would have to provide that type of information for any employer within the city who may request a resumé. He said Burke's voter's pamphlet statement filing had not met that level.

Coun. Arnold said this was serious considering the Charter states that if they determined there is a material misstatement the nomination or election of that person is nullified. She said in this case, this would be after the fact. She asked if there was some legal definition for "material misstatement."

Rappleyea said there was a legal standard. He said this was just a preliminary investigation at this time. He said if it was determined that action was needed, more information would be provided to the Council on the standards and options available.

Coun. Stanton said she thought a material misstatement of fact was something put down to mislead. She said if something in the Voter's Pamphlet was incorrect or unclear, that would fall under the category of material misstatement until it was possible to make a clear determination. She said she wanted to see Burke's degree and discharge papers.

Maguire said she would want to see form DD214; that was the discharge papers.

Coun. Stanton said she was quite concerned. She said she did not believe this issue had come up for 20 or 30 years, if ever.

Mayor Drake said the Charter was approved around 1980, so that was the timeline on that issue.

Coun. Dalrymple said there had been a challenge. He said rather than declaring a guilty sentence, the process should be played out. He said Council should get the proper documentation to determine the truth and then move on.

Coun. Bode said she would recommend that the City pursue the questions put forth regardless of the outcome of the election and that it be part of the public process. She said anyone running for public office puts themselves at a level that is more open and honest. She said the other candidates supplied the required information. She said all of the Council's academic degrees are public information and represent who they are and how prepared they are for the position. She said regardless of the outcome of the election, she wanted this brought back to Council as part of the public process.

Coun. Arnold asked if there was any point in continuing the investigation if Burke loses the election.

Coun. Bode said since this was someone who wants to represent the public, she wanted to see if this document that was submitted for the public is accurate, regardless of the outcome of the election. She said she wants to see if the candidate was totally open and honest with the information he put forth.

Mayor Drake said they were all on the mark and it sounded like there was broad agreement for the City Attorney to investigate the issue. He said the City Attorney could be back in a week or two with an update and then Council could decide what action to take. He said it was a tough issue and Coun. Dalrymple's point, that this was simply an inquiry, was well taken. He said he would support this action and this could turn out to be a moot point. He noted Maguire would not have come to Council if Burke had been responsive to Maguire's first request for information two weeks ago.

Coun. Arnold said her concern was from a legal standpoint. She said if he won the election then it would definitely need to be looked at because it is required by the Charter. She said it was too late to nullify the nomination. She agreed truth was important and said she felt the press would investigate this. She said she was not quite sure if the Council needs to pursue the issue if he did not win the election.

Coun. Stanton said she disagreed. She said she always wanted to err on the side of transparency, but she felt in this case it applied. She said she found it offensive that it was possible and she found the language "mushy" when she read the pamphlet. She said she thought the Council needed to follow this through. She said if Burke provides the information to address Maguire's concerns, he would be vindicated and the Council would know it was true. She said she wanted to know.

Coun. Dalrymple said it was important not to prejudge anyone. He said the truth would come out in the process. He said he would like to follow the process and do it by consensus. He said the only thing the Council needed to do at this meeting was to direct staff to initiate the process.

Mayor Drake said he agreed and that was why he was seeking consensus. He said an allegation was made and the Charter was very clear regarding misstatements. He said the City Attorney was very clear that the Council needed to assert its authority. He said it was no more than that and the City Attorney would get back to Council as soon as he had more information.

Coun. Stanton MOVED, SECONDED by Coun. Bode that the Council direct the City Attorney to seek confirming information regarding statements made in the Voter's Pamphlet (by Burke) regarding the job title in the Navy and confirmation of the Bachelors Degree in the Navy school and what the Navy school is. Couns. Arnold, Bode, Dalrymple and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

Marc San Soucie, Beaverton, asked about the public involvement process for development of strategies relating to downtown development (Agenda Bill 06081). He said in looking at the statement of work for the consultant project, there were two committees that would operate during the course of this project. He said one would be a stakeholder committee that would have representatives of the Central Beaverton Neighborhood Association Committee (NAC). He said the other was a technical advisory committee that had no specific representation other than the chair of the stakeholder committee. He said because downtown redevelopment is an activity of interest to the entire city, he thought it would be good to have a broader public involvement representation than just someone from the Central Beaverton NAC. He said though he lived far from the downtown area, he was very interested in what occurs in the downtown. He suggested asking other NACs or the Beaverton Citizen Involvement Committee for other interested people, and designate one or two of those people to serve on either or both of these committees.

Mayor Drake said the contract with the State does involve citizen participation and the City had not reached that step yet. He said Coun. Stanton was interested in being on one of the committees and citizen involvement on this issue made sense. He said this was a unique situation with two adjoining cities receiving the grant. He said the cities were similar and had strong working and political relationships. He said this would be an

exciting study. He said The Round parking structure just opened up and there is a view of the downtown from the top floor. He said what was envisioned in the downtown visioning process, back in the 1980's, was a view of a parking structure and buildings that had more than two stories. He said the building at Center Street and Hall Boulevard was ahead of its time. He said that pre-staged what was happening in the downtown.

Coun. Stanton said all government meetings in Oregon fall under public meetings laws and anyone can attend. She said she thought these meetings would also have a visitor comment section.

Henry Kane, Beaverton, said in his mail today he received a flyer on the facts and myths of The Round. He said he would submit a detailed response analyzing the claims. He said the City had the site assessed at \$2.7 million and the second developer paid \$1.9 million to acquire the site. He said he was told the City waived application and development fees that would be worth about \$500,000. He said he would ask the City to submit a document stating "This is what it costs the taxpayers."

#### PROCLAMATIONS:

Mayor Drake proclaimed May 15, 2006, Peace Officers' Memorial Day and May 21-27, 2006, National Public Works Week.

#### RECESS:

Mayor Drake called for a brief recess at 7:30 p.m.

#### RECONVENED:

Mayor Drake reconvened the meeting at 7:45 p.m.

#### COUNCIL ITEMS:

Coun. Dalrymple said he was saddened to read in *The Oregonian* of the passing of Beaverton School District Board Chair Mike Osborne. He said he worked with Osborne over the years and he liked and respected him a great deal. He offered his deepest sympathy to the Osborne family.

Mayor Drake said Osborne was a positive individual and a great asset to the community.

Coun. Arnold said Mayor Drake would be giving the State of the City Address to the Beaverton Chamber of Commerce on May 16, 2006, at the Kingstad Center at noon. She said the Beaverton Leadership Class of 2006 would also be recognized at that time. In addition, she said a Personal Safety for Seniors class was being offered Thursday, May 18, 2006, at the Community Center from 9:00 a.m. to noon.

Coun. Stanton said an Open House regarding Greenway Park would be held at the Conestoga Center on May 16, 2006, at 6:30 p.m. She said information would be presented regarding natural habitat improvements at the park for the next three years.

Coun. Stanton said peace officers memorial activities would be offered at the Hillsboro Civic Center on Friday, May 19, 2006, at noon.

STAFF ITEMS:        There were none.

06079 SW 125th Avenue Extension - Project Update

Project Engineer Brion Barnett introduced himself. He presented a PowerPoint presentation on the status of the SW 125th Avenue Extension project (in the record). He displayed a map of the project area and reviewed the phases of the project. He said Phase 1 (the intersection of SW 125th Avenue and Brockman Road/Greenway Boulevard) was completed in 2004. Phase 2 (the area west of SW Hall Boulevard/north of SW Green Lane) was entering the design phase. Phase 3 was the culmination of the project and the construction of SW 125th Avenue from the intersection at Brockman Road/Greenway Boulevard to Hall Boulevard. He showed pictures of the project area. He said the projected cost for Phase 3 was \$13.1 million and included the design and construction engineering. He said in reviewing the vertical profile of the street, there was the potential for significant savings by revising the profile endorsed by the Public Advisory Committee (PAC). He said \$1.7 million could be saved if the road was constructed at grade, rather than at the level endorsed by the PAC. He said the savings would come from decreased costs in excavation, in doing the transition on Barberry Drive to match the intersection, and in building the retaining walls. He reviewed the engineering and construction costs for each phase: Phase 1 cost \$3.14 million; Phase 2 estimated cost was \$1.5 million; and Phase 3 estimated cost was \$13.01. He said the overall cost of the project was \$17.72 million (2006 dollars).

City Utilities Engineer David Winship said the Tualatin Valley Water District (TVWD) was conducting a study that may impact the SW 125th Avenue Extension project. He said regional planning on the water supply had been going on for decades. He said TVWD was a partner in the Joint Water Commission and the District had been looking at the Willamette River as a potential water source and had heavily invested in the intake. He said Clean Water Services lead an evaluation of the water supply options for this region. He said two supply options were selected. The first option was to raise the dam at Hagg Lake 40 feet (Scoggins Project). He said the second option was to raise the dam 25 feet and expand the Willamette River Water Treatment Plant for municipal users. He said TVWD was about to enter into an agreement with the Portland Water Bureau for a ten-year extension on the water it receives from the Bureau. At the end of that time, TVWD would make a decision on whether or not to participate in the Willamette River Water Treatment Plant or the Scoggins Project.

Winship said the Willamette River Supply option consists of two elements; expansion of the treatment plant and a finished-water transmission main that would run from the Willamette Treatment Plant to TVWD. He said the Willamette Transmission Main Study would be very thorough. He said several options for the route of the transmission line have been reviewed, including two options in Beaverton. He said one of the options studied was the SW 125th Avenue Extension; this area is currently undeveloped which would make construction of the line much easier. He said this was a huge pipeline; six feet in diameter, 22.2 miles long and it would carry 70 million gallons per day to serve TVWD only. The preliminary cost of the line is \$285 million.

Winship said the timeline was important to the City. He said TVWD should make a decision on the pipeline alignment within six months to one year from today. He said once the route is selected, TVWD would start negotiations with the City regarding corridor approval conditions; this should occur in 2008 - 2009. He said design and construction of the pipeline path should occur from 2010 to 2016. He said that was why it was important to discuss the construction of SW 125th Avenue with TVWD.

Coun. Stanton said it appeared the construction would be about ten years out.

Winship said the design would begin in four years and construction would be completed by 2016.

Coun. Stanton referred to the preliminary timeline and asked what was meant by the statement "Final design and construction of critical path pipeline segments, then balance of 22-mile pipeline length."

Winship said along the 22-mile route, it can be anticipated that major crossings and critical sections would have to be constructed on a certain schedule, because there will be other jurisdictions that have projects that will need to be constructed at a certain time. He said Beaverton may be one of those jurisdictions.

Coun. Stanton asked if SW 125th Avenue could be constructed last, as a worst case scenario.

Winship said anything was possible, but the consultant and TVWD were open to discussions as to when construction of SW 125th Avenue would occur.

Winship reviewed the potential magnitude of the pipeline route through Beaverton and why it was a good idea for TVWD to reserve the corridor through Beaverton (in the record). He said 40% of the route could go through Beaverton and it could cost up to \$95 million to construct that portion of the pipeline. He stressed this was one of two options and this was the preliminary planning stage.

Coun. Stanton said she was concerned because she lives in this area and the project had been in the plans for 34 years.

Barnett reiterated the point that while it was premature to determine the order of the construction projects, 40% of the project is inside the City of Beaverton and that does provide bargaining room for the City.

Barnett reviewed potential ways to build the project without outside grant funding. He said first, the City could take another look at the endorsed, preferred design. He said changing the vertical profile could lessen the cost of the project by reducing costs for excavation, retaining walls and sound walls. He said if outside funding is not being used, all possible options for reducing costs should be considered.

Mayor Drake said he had not seen this slide show. He said he discussed the "revisit sound wall criteria" with the former Engineering Director and decided that issue would not be revisited as it went through a public process. He said the only way it would be considered was if it went back through a full public process. He said he discussed this

with Jim Persey and Coun. Stanton, and it was decided that reconsidering this option would require bringing back all key players to re-discuss the issue. He said the discussion was not about funding; the discussion was whether or not sound walls were needed. He said the PAC had a strong belief that the sound wall was needed. He said he wanted to be clear that the option to revisit the sound wall criteria was not up for discussion.

Public Works Director Gary Brentanno said that Barnett was referring to the type of construction of the sound wall, as opposed to the issue of the wall itself. He said ODOT might have a standard for walls on Highway 26 that is appropriate for that location; the City might choose a different construction standard that would provide the same sound attenuation and be aesthetically the same, but might be less costly.

Coun. Arnold asked how changing the vertical profile changes the sound wall criteria.

Barnett said whatever is done to the vertical profile will require relooking at the sound issue. He said while a preliminary evaluation was done as part of the project, over the course of the final design the issue will have to be reviewed again because it has been nine years since the preliminary work was done. He said he appreciated Mayor Drake's insight and he was not aware of the previous conversations.

Coun. Stanton asked if a change in the vertical profile would make the road more visually intrusive to the homes in that area.

Barnett said while he has walked the site extensively, he did not live on the road and he thought it would be more appropriate to ask the residents who live on that road for their perception.

Coun. Stanton referred to the homes in the NW Quatama/NW 205th Avenue area in Hillsboro that are no longer occupied because the retaining walls have failed, making the homes unsafe. She said she was assuming that less retaining walls had nothing to do with structural integrity of the surrounding properties.

Barnett said that was correct. He said in the reference to "less retaining walls" he was saying that if the street grade level was raised, the height of the retaining walls be less.

Coun. Stanton asked if the suggestion to revisit the design speed criteria meant lowering the design speed.

Barnett confirmed that did mean to lower the design speed. He clarified that would have to be discussed and coordinated with the City Traffic Engineer. He said if the design speed criteria was lowered, the curve would be more gradual which would result in less excavation.

Barnett reviewed other funding methods that could be considered to fund the project, such as a serial levy, general obligation bonds, a sinking fund, City gas tax or a transportation system development charge. He said another option would be in-house phased construction. He said doing this in-house would require building the project in four to five phases, over 13 years.

Barnett said there were two potential construction alternatives available. The first option would be to do the project without TVWD participation and fund it through a sinking fund or bonds. He said under that scenario, the earliest the final design could be done was in 2009 and construction would begin in 2011. He said the second option was to do the project with TVWD, if the District decides SW 125th Avenue is the preferred route. He said in that case final design could be done in 2010 and construction would occur in 2011-2016. He said these were preliminary dates for both options.

Barnett said the next step in the project would be to perform the Phase 2 design work in Fiscal Year 2006-07. He said that would include wetland mitigation, storm water detention, water quality work and geotechnical work. He said staff planned to report to Council in six to 12 months. He said by then more information should be available on the TVWD water pipeline alignment. He concluded that the Phase 1 improvements were constructed, progress continues on Phase 2 with storm water improvements, right-of-way and water quality design. He said staff recommends coming back to Council to discuss alternative construction funding methods to build the project. He said the City should have more complete information in six to 12 months.

Coun. Bode complimented Brion on his presentation. She asked if in Metro's long-term regional planning, the intersection of Scholls Ferry Road and Hall Boulevard is going to be a regional development center with commuter rail transportation.

Mayor Drake said commuter rail was projected to open in 2008 in the Washington Square area, on the west side of Highway 217.

Coun. Bode asked if the area from Scholls Ferry Road/Hall Boulevard down to Greenway Boulevard/Hall Boulevard, was part of Metro's regional center.

Mayor Drake confirmed that was part of the Tigard Washington Square regional center.

Coun. Bode said in talking about this project, there is a lot that will be happening in this area and the road needed to be constructed.

Barnett said in the past the project had not scored well in terms of regional significance. He said staff would continue to look at other projects' packages to see if funding can be obtained.

Coun. Stanton said Murray Scholls is a town center and Washington Square is a regional center. She said she knows there is a plan to have Nimbus Avenue go through to Denny Road, but that will not happen until SW 125th Avenue is built. She said the preferred route from the Tualatin/Sherwood area to Washington Square was Roy Rogers Road to Scholls Ferry Road to Murray to Brockman/Greenway to Hall Boulevard. She said that puts SW 125th Avenue in the middle between a town center and a regional center. She said there was a case to use Metro funding to support a town and regional center. She asked when the road is excavated, would the material be taken off site or used on the site.

Barnett said there was not a lot of fill on the project; the majority of the material would be hauled off the site.



Coun. Stanton asked why the material excavated from the top of the road was not used to fill in the hole at the south end.

Winship said that would result in the grade being raised in those areas which could affect the sound wall. He said it was a difficult balance. He said the project has been looked at very carefully by the PAC and has been approved by the neighborhood. He said changing the plan could be difficult, though minor tweaking might be possible.

Coun. Stanton said her concern was that even a minor change might need to go back to a public forum. She said there were strong feelings about this project. She said she did not care how the project impacted the TVWD project. She said she wanted the City to move forward and TVWD should not slow the progress of this project. She asked: 1) If TVWD selected the SW 125th Avenue route and moved the project to the front end of the timeline, how would that affect the City's design work; 2) Was Phase 2 design only or did it include construction; 3) If Phase 2 included construction, how would the City's completed mitigation work be affected by the pipeline coming in; and 4) Would the City have to put its mitigation work on hold until TVWD decides on the pipeline route.

Barnett said the City does not have to wait to design and construct Phase 2. He said the City was proceeding, though the goal was to work in tandem with TVWD. He said because 40% of the work is in Beaverton, the City has leverage for negotiations. He said staff intent was to be aware of TVWD's project and work with the District, if timing permits. He said TVWD could do a lot of the grading for the project if they were the first ones to come into the area.

Coun. Stanton asked how much that would save the City.

Winship replied it was not possible to say how much the savings would be. He said the pipe would be 12 to 13 feet below grade and grading would need to be done. He said if TVWD was open to conditions of development, money could be saved by staying off the public street and through economies of scale. He said this was a good potential for the City.

Coun. Stanton referred to the street profile and asked what contouring would be done at the 15-20 foot depth or would they have to shave the hill first.

Winship said TVWD would need to build the pipeline before the City would build street. He said the City would have an approved profile and TVWD would need to bury the pipe in accordance with that profile. He said that would be 12-13 feet below the grade of the new street. He said it would be carefully planned; that was why it was so important to be involved and following TVWD's planning. He said all of these issues would be worked out ahead of time. He said there was great potential for cost savings on both sides, which is a win-win situation for both sides.

Coun. Stanton said the neighborhoods would not win because they would have to wait five to ten more years for relief from the traffic.

Winship said if the City had the money to start construction in three to four years and TVWD selects that route, he believed that something would be worked out so that TVWD would come in and do its work. He said there was a lot of preliminary work yet to

be done. He said TVWD would decide on its route long before the City was ready to build the SW 125th Avenue Extension.

Coun. Bode said that the discussion showed the level of frustration people were having with this traffic issue and a promise made over 30 years ago to construct this road. She said as residents look at other areas where roads were constructed, they feel it is time to build this road. She said hopefully staff will come back in six months with a package to present to Council.

Coun. Dalrymple thanked staff for the presentation. He said if the Council feels this is a high priority, then it could address the issue. He said he was not sure this was top priority at this time; perhaps further discussion is needed. He said the Council is the one that needs to take this to the next step and find the funding.

Coun. Stanton said she would like to see something in six months as opposed to a year or 18 months.

Mayor Drake said they would take a look at this.

Coun. Arnold said she understood the frustration, but road construction projects seem to always be funded out of several pots. She said she agreed this project needs to be done; it has just been difficult to put the funding together.

Mayor Drake said in 1992 the citizen's voted on a package and this road was one of the projects in the package but it was narrowly defeated.

Mayor Drake thanked staff for the presentation.

#### CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Bode, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of May 8, 2006

06080 Liquor Licenses: New Outlet - Za Majestic

06081 Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for a 2005-2007 Transportation and Growth Management (TGM) Grant for a Downtown Parking Solutions Strategy (Resolution No. 3857)

#### Contract Review Board:

06082 Contract Award - Annual Audit Services

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

#### PUBLIC HEARINGS:

06083 Public Hearing on Biggi Investment Partnership Measure 37 Claim  
(Continued from March 20, 2006 Meeting)

Mayor Drake explained the claimant had requested an additional 30-day extension to June 12, 2006.

Coun. Stanton MOVED, SECONDED by Coun. Bode to continue the public hearing on the Biggi Investment Partnership Measure 37 Claim to June 12, 2006, at 6:30 p.m. Couns. Arnold, Bode, Dalrymple and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ORDINANCES:

Coun. Stanton MOVED, SECONDED by Coun. Arnold, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06084, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

Rappleyea read the following ordinance for the first time by title only:

06084 TA 2006-0002 (Floodplain Text Amendment) (Ordinance No. 4392)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:55 p.m.

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Sue Nelson, City Recorder

APPROVAL:

Approved this     day of     , 2006.

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Rob Drake, Mayor

## **DRAFT**

BEAVERTON CITY COUNCIL  
SPECIAL MEETING  
MAY 25, 2006

### CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Second Floor Conference Room at City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Thursday, May 25, 2006, at 7:22 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Dennis Doyle and Cathy Stanton. Couns. Betty Bode and Bruce Dalrymple were excused. Also present were Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Assistant Finance Director Shirley Baron Kelly, and Recording Secretary Joanne Harrington.

### PUBLIC HEARING:

06077 A Resolution Adopting a Supplemental Budget (#S-06-2) for the Fiscal Year Commencing July 1, 2005, and Making Appropriations Therefrom. (Resolution No. 3856)

Mayor Drake asked if there had been any changes to the Supplemental Budget as approved by the Budget Committee, since the Budget Committee acted upon it and the City Council reviewed the document.

Finance Director Patrick O'Claire said there had been no changes to the Supplemental Budget since it was approved by the Budget Committee.

Mayor Drake opened the public hearing and asked for public comment.

There was no one present who wished to speak.

Mayor Drake closed the public hearing.

Coun. Stanton MOVED, SECONDED by Coun. Arnold that Council approves Agenda Bill 06077, A Resolution Adopting a Supplemental Budget (#S-06-2), as amended by the Budget Committee, for the Fiscal Year commencing July 1, 2005, and Making Appropriations Therefrom. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that Council set a public hearing date of June 19, 2006, to consider the Fiscal Year 2006-07 Budget, as adopted by the Budget Committee, and the proposed uses of State Revenue Sharing Funds. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:24 p.m.

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Joanne Harrington  
Recording Secretary

#### APPROVAL:

Approved this      day of      , 2006.

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Rob Drake, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSES

**FOR AGENDA OF:** 06/05/06 **BILL NO:** 06087

**NEW OUTLET**

Gold Fountain Restaurant & Lounge  
12525 SW Canyon Road

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police

Macheezmo Mouse & The Hottest Dog  
10950 SW Barnes Road

**DATE SUBMITTED:** 05/23/06

**CHANGE OF OWNERSHIP**

Pizza Pazza  
16165 SW Regatta Lane #100

**GREATER PRIVILEGE**

Elmer's Breakfast – Lunch – Dinner –  
Cornell Oaks  
1250 NW Waterhouse Avenue

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

**HISTORICAL PERSPECTIVE:**

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license requests.

**INFORMATION FOR CONSIDERATION:**

Golden Fountain, Inc. is opening a new establishment and has made application for a Full On-Premises Sales License under the trade name of Gold Fountain Restaurant & Lounge. The establishment will serve Chinese food. It will operate seven days a week, serving lunch from 10:30 a.m. to 3:00 p.m., and dinner from 3:00 p.m. to 10:00 p.m. There will be dancing and live music offered as entertainment. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

Jabsz Investments, LLC, has made application for a Limited On-Premises Sales License under the trade name of Macheezmo Mouse & The Hottest Dog. The establishment will serve Mexican food and gourmet sausages. It will operate Monday through Friday from 11:00 a.m. to 9:00 p.m., and Saturday and Sunday from 11:00 a.m. to 8:00 p.m. There will be no entertainment offered. A Limited On-

**Agenda Bill No:** 06087

Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

The Freshman Taiwanese Bistro & Bakery, formerly licensed by the OLCC to Freshman Bakery, LLC, is undergoing a change of ownership. Waterhouse Partners, LLC, has made application for a Limited On-Premises Sales License under the trade name of Pizza Pazza. The establishment will serve pizza and pasta. It will operate Tuesday through Sunday from 11:00 a.m. to 10:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Elmer's Restaurants, Inc. has made application for Greater Privilege for its restaurant, Elmer's Breakfast – Lunch – Dinner – Cornell Oaks. It is requesting to change from a Limited On-Premises Sales License to a Full On-Premises Sales License. The restaurant operates seven days a week, from 6:00 a.m. to 9:00 p.m. There is no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC licenses.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Boards and Commissions Appointments –  
LeRoy O'Brien and Philip Ruban to Citizens  
with Disabilities Advisory Committee

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06088

**Mayor's Approval:**



**DEPARTMENT OF ORIGIN:** Mayor's  
Office/Neighborhood Program

**DATE SUBMITTED:** 05-26-06

### **CLEARANCES:**

**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:** Applications for new appointments

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED\$0	BUDGETED\$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

There are currently two vacancies on the Citizens with Disabilities Advisory Committee. Mayor Rob Drake is forwarding Leroy O'Brien's and Philip Ruban's applications with the recommendation that they be appointed to fill the vacancies. Mr. O'Brien's term is effective immediately and will expire on December 31, 2006. Mr. Ruban's term is effective immediately and will expire on December 31, 2008.

### **RECOMMENDED ACTION:**

Confirm recommended appointments to the Citizens with Disabilities Advisory Committee.





# BOARDS AND COMMISSIONS <sup>SEP 20 2005</sup> APPLICATION

DATE: SEPT 20 2005

Board/Commission applying for:
1 <sup>st</sup> Choice <i>CITIZENS WITH DISABILITIES ADVISORY</i>
2 <sup>nd</sup> Choice

Name <i>LEROY O'BRIEN</i>	Employer <i>RETIRED</i>	Position
Address	City	Zip
Home Phone	Business Phone <i>N/A</i>	
Email Address <i>N/A</i>		
How did you hear of the opening? <i>CITY MAILING</i>		
Are you a City resident?* If yes, how long have you lived in the City? <i>33 YEARS</i>	May we keep your name on a list if not appointed at this time? <i>YES</i>	
Briefly describe your background and experience  <i>3 YEARS WRITING CITATIONS FOR CITY / COUNTY RE DISABLED PARKING AREAS 42 YEARS WITH AN ARTIFICIAL LEG</i>		

\*The Charter for the City of Beaverton, Chapter V, Section 19, C 2., provides that "Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City"

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

Discuss your motivation for serving on this Board/Commission:

State your goals for the City:

**For additional information, please call the Neighborhood Program at 503-526-2543.**

Return application to: Neighborhood Program, City of Beaverton

P.O. Box 4755

Beaverton, OR 97076-4755

Fax: (503) 526-3730

IN CO'S!  
10/10/24

Community Database  
**Web Application Request Detail Listing**  
Application # 40

<b>Status:</b> <span style="border: 1px solid black; padding: 2px;">Received</span>					
<b>Choice #1:</b>	<span style="border: 1px solid black; padding: 2px;">Citizens with Disabilities Advisory Committee</span>				
<b>Choice #2:</b>	<span style="border: 1px solid black; padding: 2px;">Senior Citizens Advisory Committee</span>				
<b>First Name:</b>	<span style="border: 1px solid black; padding: 2px;">Ruban (Sahaayarub)</span>	<b>Last:</b>	<span style="border: 1px solid black; padding: 2px;">Phillip</span>	<b>Customer #:</b>	<span style="border: 1px solid black; padding: 2px;"></span>
<b>Street:</b>	<span style="border: 1px solid black; padding: 2px;"></span>			<b>Home Phone:</b>	<span style="border: 1px solid black; padding: 2px;"></span>
<b>City:</b>	<span style="border: 1px solid black; padding: 2px;"></span>			<b>Work Phone:</b>	<span style="border: 1px solid black; padding: 2px;"></span>
<b>State:</b>	<span style="border: 1px solid black; padding: 2px;"></span>	<b>Zip:</b>	<span style="border: 1px solid black; padding: 2px;"></span>	<b>E-Mail:</b>	<span style="border: 1px solid black; padding: 2px;"></span>
<b>City Resident:</b>	<input checked="" type="checkbox"/>	<b>How Long:</b>	<span style="border: 1px solid black; padding: 2px;">over 16 years</span>		
	<input checked="" type="checkbox"/>	<b>Keep Name on List (if not appointed)</b>	<span style="border: 1px solid black; padding: 2px;"></span>		
<b>Employer:</b>	<span style="border: 1px solid black; padding: 2px;">OHSU School of Medicine, Dept. of Genetics</span>				
<b>Position:</b>	<span style="border: 1px solid black; padding: 2px;">Research Associate (Geneticist)</span>				
<b>Heard How?</b>	<span style="border: 1px solid black; padding: 2px;">one week</span>				
<b>Background:</b>	<div style="border: 1px solid black; padding: 5px;"><p>Over 15 years of experience as manager, clinical research professional, director administrator, scientific advisor, and researcher</p><p>Over 6 years of experience with responsibility for major programs/projects monitoring and coordination</p><p>Participated in patient education and patient evaluation in collaboration with physicians and research</p><p>Participated in various research projects at universities and industries: budget control, preparation of official documents, grant applications at state and federal levels, pre-award and post award grant writings</p><p>Prepared and maintained core grants budgets successfully</p><p>Supervised review process and coordinated faculty/student/staff orientation programs</p><p>Chaired various committees ad councils</p><p>Assigned coordinators/representatives to organizations/classes through department heads/presidents of organizations</p><p>Oversaw hiring and evaluation of staff and processes of accreditation ad evaluation visits</p><p>Acted as a member of the company administrative and physician staff teams</p> <p>Managed multidisciplinary teams and interacting with clients</p><p>Proficient user of ACCESS 7 0, Power Point, Window 98 and MS office 2000 HTML development, Microsoft Outlook , Gold Mine and Platinum, dBase, Lotus 1-2-3 and Harvard Graphics</p> <p><b>EDUCATION</b></p><p>2003 Ph.D. Learner in Human Services, Capella University, MN (in progress online program)</p><p>1992 Ph.D (ABD) in Molecular Biology &amp; Genetics</p><p>Oregon State University (OSU), Oregon</p><p>1987 Masters in Science (Molecular Biology &amp; Statistics)</p><p>University of Dublin (Trinity College), Dublin, Ireland</p><p>1982 Bachelors of Science, Magna Cum Laude, Science &amp; Economics</p><p>University of Peradeniya, Sri Lanka</p></div>				
<b>Skills:</b>	<div style="border: 1px solid black; padding: 5px;"><p>Knowledge and experience with contract requirements and the contracting process, and knowledge and experience with budget requirements and process</p> <p>From 1992-2000, as director, lab manager and research associate, I managed four multi-year projects funded by federal, state and private sources (e.g , Fanconi Anemia, OHSU, Cancer Therapy, Portland Providence Health System, Transplantation program, Legacy Health System, Metal toxicity and Antioxidant status in Chinese population, NIOSH/OXIS) Responsibilities included \ purchase equipment and supplies, review contract objectives such as milestones, grant-writing renewal on existing grants, coordinate data analyses for publication between the parties; coordinate the families/patients/groups by updating the status of the project (e.g , progress report, family new letters, assessments on potentially affected families and children; and budget status on the project)</p> <p>For example, at Oregon Health and Science University I participated in a comprehensive nation-wide study of Fanconi Anemia (FA) (Collaborators, Dana Faber Cancer Institute and Harvard Medical School, Rockefeller University, NY; Hospital for Sick Children, Toronto, Canada, University of California, Davis and NHLBI, Md) The study was funded by 6 million dollar grant from NIH over 6-year period (1993-98)</p> <p>Knowledge and Area agencies on Aging and Older American Act programs</p> <p>Regarding projects related to aging and older American population, as a Director of Research &amp; Technical Service and Quality Control (March 2001- March 2004) for OXIS international Inc , a biotech company, I provided research and technical consultation on Oxidative Stress and age-related diseases such as Alzheimers, Parkinsons and Mood disorders to our local and overseas customers and distributors (North America, Australia, New Zealand, Asia/Pacific Rim Eastern and Western European countries)</p> <p>Currently, as Scientific Program Advisor at Assay Advice (a research consulting company) we are collaborating with a company in Eugene (Mito-Science Company) that focuses on improving the quality of the aged population and ultimately finding cures for age related diseases</p></div>				

# Community Database

## Web Application Request Detail Listing

### Application # 40

Thus, I am well aware of local agencies (Oregon Department of Human Service-Seniors and People with Disabilities), National agencies (Alzheimers association, American association of Retired Person), and Easter Seals that are providing services and information for older American and people with disabilities. The Older American Act (OAS), originally signed by President Lyndon B. Johnson on July 14, 1965, is the major federal law that authorizes programs (National Family Caregiver Support program, Meals on Wheels, Family Friends,) to provide support and nutrition to Older Americans and the researchers (e.g., FY 2004 Alzheimers Disease Demonstration Grants to States)

Experience working cohesively with diverse groups of individuals, whose perception may contrast

I have been living Oregon for the last 16 years. I am a Christian Tamil from Sri Lanka. Sri Lanka has a population of 14.5 million people, consisting 75% Buddhist (Sinhalese language speaking group), 12% Hindus (Tamil language speaking group), 11% Muslims (Sinhalese & Tamil), and 2% Christians (Tamil & Sinhalese). Right after my graduation (1977-81), I obtained a lecturer position in Animal Science at University of Peradeniya in 1982. During this period, I had a wonderful opportunity to interact with various groups of students, staff and communities of Sri Lanka. In 1984, as an instructor in Genetics at University of Dublin, I participated in various activities with Irish communities. Besides my academic activities in Dublin, I used to be an active player and member of the Cricket Club of Trinity College. In June 1986, I came to the United States on a graduate teaching assistant scholarship from Oregon State University. From 1988 to 1992, as a graduate council representative, cultural diversity coordinator and president of the graduate student associate, I have been involved in various student activities. Over the past 10 years of combined experience as a scientific advisor, a director of research & technical service, a manger, a senior clinical research associate and a coordinator at Mould Work Technology, OXIS international Inc, Oregon State health and Science University, Portland Providence Medial Center, and Portland Legacy Medical Center, respectively, I have established and maintained positive working relationship with a wide variety of faculty, hospital staff, students, senior management, patients and their relatives.

If two culturally different view points are in conflict, one is not right and the other wrong; both are right with their own cultural context. Prejudice is a generalization about a group. Discrimination is acting on such a generalization. Over the years, I learned to appreciate another persons cultural perspective, the individual differences with respect to each persons uniqueness, gender, race, ethnicity, culture, age, disabilities, learning and communication styles and life-style. I try to actively listen to people, respond to their thoughts and feelings, and avoid laughing at or participating in jokes that demean others or reinforce stereotypes. On an individual level, I ask my co-workers/friends how they would prefer to be identified (e.g., native American or Indian American)

Knowledge with interpreting federal and state status or programs to wide range of audiences.

As researcher, manger and director, I have enjoyed sharing information with families, research/industrial communities on federal and state statues on various programs (Age-related diseases, Fanconi Anemia, Cancer and Transplantation). This included communicating with different educational levels and cultures (parents, technicians, high school students, researchers, physicians, etc.) Communication media included e-mail correspondence, web-site demonstrations, distributor training programs (on-site and distance learning), web/conferences, and personal communication (telephone service).

As volunteer, coordinator, member and parent, I have been personally involved in working with many volunteer organizations and organizations with developmental disabilities & family members and interpreting the programs to large and small audiences. These programs include Programs for Autistic Children Education or PACE Inc., Beaverton, OR; Oregon Assoc. for Adults and Children with Learning Disabilities (ACLD), Portland, Oregon COPE Projects, Portland; Early Intervention Council/ECSE/EI, NW, San Franciscan Community of Portland, Oregon; Catholic Newman Society of OSU, Corvallis, Oregon; and "Our Legion of Mary" Dublin, Ireland. Activities included. speaking about the federal/state laws and programs to the families and kids with special needs, sharing special recipes and ideas with the support groups, addressing the needs of the families and children to the councils (e.g., Early Intervention Council), and assisting in building shelters for homeless people (e.g., San Franciscan Enterprise in Portland). I am a strong parent advocate for special need children. We (parents) have been successful in working with the Northwest-ECSE administration to influence evaluation of children with special needs: (a) determination of early intervention hours for a child should be based on the individual child's needs not by the standard criteria per se, (b) integrating more techniques in the intervention program (e.g., sensory integration programs, ABA techniques, and the TEACCH approach), and (c) allocation of reasonable hours for summer programs

#### Motivation:

- 1 I am an oregonian for the last 18 years or so
- 2 I am a parent of 6-year old autistic child
- 3 I been involved in ealry child education (as a member of Early Intervention Council) for a few years
- 4 I am a caregiver for my 80-year old widow mother, and for my 40-year old brother (pollo victim).
5. I am naturalized US citizen from Sri Lanaka

#### Goals:

- 1 To adress the concerns for senior citizen needs
2. To adres the needs for families with special need kids

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** A Resolution Adopting Updated Board of  
Design Review Bylaws

**FOR AGENDA OF:** 06-05-05 **BILL NO:** 06089

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** CDD *my*

**DATE SUBMITTED:** 05-16-06

**CLEARANCES:** City Attorney *MS*  
Dev. Serv. *MS*

**PROCEEDING:** Consent

**EXHIBITS:** 1. Resolution with proposed  
amendments  
2. Draft BDR Minutes Dated 04/20/06

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

On April 20, 2006, the Board of Design Review reviewed the proposed update to the Board of Design Review (Board) Bylaws that rule and regulate the transaction of the Board's business. The proposed amendment is primarily intended to update procedures related to the continuance of public hearings. Specifically, at the request of the Board, staff created language contained in Section 10 of the Bylaws that will allow public hearing continuances to occur as a matter of procedure without Commission members needing to be present. The proposed continuance procedures will only be available if the land use applicant meets all of the requirements contained in Section 10, which includes a renoticing fee and shall not be available if a quorum of the Commission is present. The Board also made several other grammatical changes throughout the Bylaws.

The Board voted 6-0 (King absent) at their April 20, 2006 regular meeting to adopt the Board of Design Review Bylaws as amended.

### **INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is the Resolution with the amended Board of Design Review Bylaws and the draft Board of Design Review meeting minutes.

### **RECOMMENDED ACTION:**

Staff recommends the City Council approve the Resolution to adopt amended Board of Design Review Bylaws.

RESOLUTION NO. 3858

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES  
OF PROCEDURE FOR THE ORGANIZATION OF AND  
CONDUCT OF BUSINESS BY THE BEAVERTON BOARD OF  
DESIGN REVIEW.**

BE IT RESOLVED by the Board of Design Review ("Board") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Board of Design Review for the transaction of its business effective on January 5, 2005:

ARTICLE I

GENERAL

Section 1. EXPLANATION AND INTERPRETATION

- (A) A seven member City Board of Design Review has been established by Ordinance No. 2050, as amended. Ordinance No. 2050 was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Beaverton. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Board. The Board is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.
- (B) It is the intention of the Board to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Board's organization and procedures for the benefit of the Board, applicants, and the general public. However, the omission in this resolution of any provision relating to the Board in some other documents shall not be construed as an implied repeal of such provision.
- (C) This resolution replaces and repeals Resolution Nos. 82-1, 1751, 2720, and 3253.

## ARTICLE II

### RESPONSIBILITIES OF THE BOARD

#### Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Board of Design Review shall be:

- (A) Comprehensive Plan The Board shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.
- (B) Capital Improvement Program The Board may assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Beaverton Comprehensive Plan.
- (C) Application of Development Regulations Except for those matters which may be delegated to the Director, the Board shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.
- (D) Coordination and Cooperation The Board shall endeavor to advance cooperative and harmonious relationships with the City's Council, Planning Commission, Committee for Citizen Involvement, Neighborhood Associations, other Board of Design Reviews, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Board may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- (E) General Welfare Upon its own initiative or direction of the Council, the Board shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Beaverton and its environs related to its particular area of responsibility.

- (F) Rules of Procedure The Board shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Board members on all matters coming before the Board. These rules shall be consistent with State law and City ordinances relating to the same matters.

### ARTICLE III

#### OFFICERS

##### Section 1. OFFICERS

The Officers of the Board shall be a Chairperson and Vice-chairperson. The Community Development Director ("Director"), appointed by the Mayor under the Charter, shall be the Secretary of the Board. Except in the event the Secretary is absent from any meeting, the Secretary may send a designee.

##### Section 2. ELECTION

- (A) The Chairperson and Vice-chairperson shall be elected in December for a term of one calendar year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.
- (B) If the office of the Chairperson or Vice-chairperson becomes vacant, the Board shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- (C) Nominations shall be by oral motion. At the close of nominations, the Board shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- (D) Members of the Board holding office at the time of adoption of this resolution shall continue to hold office for the term for which they were elected and until their successors are elected.

##### Section 3. CHAIRPERSON

- (A) Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
  - 1. Preside over all deliberations and meetings of the Board;
  - 2. Vote on all questions before the Board;



3. Call special meetings of the Board in accordance with these bylaws;
  4. Sign all documents memorializing Board action promptly after approval by the Board. The power to sign reports and other documents of the Board may be delegated to the Secretary.
- (B) All decisions of the Chairperson as presiding officer shall be subject to review by ~~a majority of the~~ Board members present upon motion duly made and seconded. Upon a majority vote of the members present, the Board may overturn a decision of the Chairperson.

Section 4. VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson.

Section 5. SECRETARY

- (A) The Secretary shall be the Director or ~~their~~ his/her designee.

The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Board;
  2. Prepare the agenda and minutes for all Board meetings;
  3. Give all notices required by law;
  4. Inform the Board of correspondence relating to Board business and conduct all correspondence of the Board;
  5. Attend all meetings and hearings of the Board or send a designee;
  6. Compile all required records and maintain the necessary files, indexes, maps, and plans.
- (B) The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Board, its officers, and the Secretary.
- (C) The Secretary shall perform such other duties for the Board as are customary in that role or as may, from time to time, be required by the Board.

Section 6.    CITY ATTORNEY

The City Attorney or an assistant shall be an ex-officio member of the Board. The City Attorney shall provide legal assistance to the Board on matters coming before it, prepare documents memorializing Board action, and may question witnesses testifying before the Board.

ARTICLE IV

MEETINGS

Section 1.    REGULAR MEETINGS

Regular meetings of the Board shall be held in the Council Chambers, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, or at such other places as may be determined by the Board, at 6:30 p.m., or other time as determined by the Board, on every Thursday of each week of each month, except an official city holiday or the day before an official holiday. Meeting dates are normally chosen for timely action on applications submitted for the Board's consideration. At regular meetings, the Board shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2.    ANNUAL MEETING

The annual meeting of the Board shall be the first regular meeting of the Board in January of each year. Such meeting shall be devoted to orientation of new members, education, training, and other matters related to the organization and administration of the Board.

Section 3.    SPECIAL MEETINGS

The Chairperson of the Board upon his or her own motion may, or upon the request of a majority of the members of the Board shall call upon a special meeting of the Board. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Board. Notice of special meetings shall be given personally or by mail to all members of the Board and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Board.

Section 4.    OPEN MEETINGS

All meetings of the Board shall be open to the public, except that the Board may hold executive sessions, from which the public may be excluded, in such manner

and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 5. NOTICE OF MEETINGS

- (A) Notices shall conform to applicable provisions of state law and local regulations.
- (B) Notice shall be posted on a bulletin board in the City Hall and the City Library and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have special interest in matters to be considered by the Board.
- (C) Notice shall be given not less than twenty (20) days in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
- (D) Failure to provide notice as specified in this section, shall not invalidate any decision or proceeding of the Board

Section 6. AGENDA: ORDER OF BUSINESS

- (A) The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
  - 1. Call to order and roll call;
  - 2. Visitors;
  - 3. Staff Communications;
  - 4. Old business – continuances;
  - 5. New business;
  - 6. Minutes of previous meetings;
  - 7. Approval of orders;
  - 8. Miscellaneous business;
  - 9. Planning Director's report; and
  - 10. Adjournment
- (B) Any item may be taken out of order by direction of the Chairperson.
- (C) Actions of the Board are not limited to the prepared agenda.

- (D) Public hearings will be stopped at 10:30 p.m. unless there is a motion from the Board to extend the time of the hearing in progress. In the absence of that motion, pending matters shall automatically be taken up at the following meeting.
- (E) The Board shall not consider a new item after 9:30 p.m. unless there is a motion by the Board to extend the time for the agenda item.

#### Section 7. ATTENDANCE

If a member of the Board is unable to attend a meeting, he or she is expected to notify the Chairperson or Secretary. If, without reasonable cause, any member is absent from 6 meetings within one calendar year or three consecutive meetings, then upon majority vote of the Board that position shall be declared vacant. The Board shall forward their action to the Mayor, who shall fill the vacant position.

#### Section 8. QUORUM

At any meeting of the Board, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall notify the board members in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified by the applicant in a request for a continuance as specified in Section 10. ~~in the Final Agenda for the meeting at which the quorum will not be present.~~ The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Board.

#### Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Board is entitled to vote on all matters, at all meetings of the Board. The Mayor, the City Attorney, and such other City personnel as the Mayor may, from time to time designate, are entitled to participate in discussion, but do not have the right to vote. Each Board member is deemed to have notice of all prior Board deliberations and proceedings.
- (B) Unless otherwise specified herein, the concurrence of a majority of the members of the Board voting shall be necessary to determine any

question before the Board. Majority is based on the number of votes cast, excluding abstentions, disqualifications, and absences. A tie vote causes the motion to fail.

- (C) When a matter is called for a vote, the Chairperson shall, before a vote is taken, restate the motion and shall announce the decision of the Board after such vote.
- (D) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (E) Voting "in absentia" or by proxy is not permitted.
- (F) A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

#### Section 10. CONTINUANCES; REMANDS

- (A) Any item before the Board may be continued to a subsequent meeting. ~~A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting the time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.~~
- (B) Items on the Board's agenda may be automatically continued without the necessity of convening the Board members or the applicant if the following steps are met:
  - 1. The applicant has furnished the planning department a written request before the date and time of the established hearing which contains the following items:
    - a. Project name and file number;
    - b. The name and signature of the applicant or, if more than one, the principal applicant involved in the project;
    - c. The date of the requested future hearing;

- d. A re-notice fee as deemed appropriate by the Planning Director; and,
  - e. A statement that the 120 day rule or ORS 227.178 shall be tolled *suspended* during the period of the continuance.
2. Community Development Department staff have placed a date stamp on the written request to memorialize its arrival in advance of the public hearing.
- (C) The continuance request provided in Section 10 Subsection B becomes discretionary if a quorum of the Board is present. Under this subsection the submission of a request for a continuance by an applicant which meets the standards of Section Subsection A and B above does not provide a right for an automatic continuance nor does it guarantee approval of a requested continuance.
  - (D) A notice containing the information required by Subsection A and B above recitations shall constitute adequate grounds for a continuance. The hearing set for the project shall be continued by operations of law to the Board's meeting on the date listed in the request as if the Board itself moved and approved the same.
  - (E) Neither the presence of the applicant nor the Board members at the date and time set for the original hearing shall be required for the procedures in this section to take effect. However, the procedures contained in this section are inapplicable if there is a quorum of the Board present at the meeting date and time.
  - (F) The project planner shall cause a written notification to be posted on the door of the premises where the original hearing was to occur, informing interested persons of the new hearing date and time.
  - (G) A notification of the continued hearing containing the new date and time shall be mailed to the applicant and the any person who at the time has participated in the hearing and would be entitled to a notice of decision under state or local law. The cost of such a notice shall be the responsibility of the applicant requesting the continuance.
  - (H) A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

Unless otherwise provided by the Council ~~upon remand~~, any item remanded by the Council for reconsideration by the Board shall be treated

as a new item and proceedings shall be provided for as if the matter were initially before the Board.

A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

#### Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Board has an obligation to be as clear and simple in its procedure as possible.

#### Section 12. MINUTES

- (A) The Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.
- (B) Minutes shall be available to the public, upon request, in either draft form or as approved by the Board, within a reasonable time after a meeting and shall include the following:
  - 1. Members present;
  - 2. Motions, proposals, measures proposed and their disposition;
  - 3. Results of all votes, including the vote of each member by name is not unanimous; and
  - 4. Substance of any discussion of any matter.

~~If the minutes are not approved by the Board, if requested, draft minutes, if available, may be provided.~~

- (C) The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Board matters.
- (D) Board members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the Chairperson may declare the minutes approved as submitted, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Board's actions memorialized in the minutes.

- (E) Any Board member not present at a meeting must abstain from voting on approval of the minutes of that meeting.

Section 13. ORDERS.

- (A) The decision of the Board shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Board for approval prior to signing. In the event that there is not a regularly scheduled meeting, a copy of the order shall be mailed to the Board members for their review. The Board members shall submit their vote on the order in writing to the Chairperson. If there is a majority vote for approval, the Chairperson may sign the order. If there is not a majority vote for approval, then the order shall return to the next regularly scheduled meeting for consideration. Adoption of the order is expected to be a formality memorializing the Boards' action and not a further consideration of the matter. Board members opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Board.
- (B) Board member must abstain from voting on approval of an order prepared as a result of action taken at a meeting at which he or she was not present.

ARTICLE V

ADVISORY COMMITTEES

Section 1. APPOINTMENT.

The Board may form advisory committees for the consideration of special assignments.

ARTICLE VI

PUBLICATION AND AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved bylaws and rules of procedures shall be:

- (A) Placed on record with the City Recorder and the Secretary of the Board;



- (B) Available at each Board meeting;
- (C) Distributed to each member of the Board; and
- (D) Available to the public for the cost of publication.

Section 2. AMENDMENT AND SUSPENSION

- (A) These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Board at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Board member. The notice shall identify the section or sections of this resolution proposed to be amended. The Council shall give final approval to any amendment of the bylaws.
- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon June 6, 2006, after approval by the Council and signature by the Mayor.

Adopted by the Board of Design Review of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of April 13, 2006, and signed by the Chairperson in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chairperson, Board of Design Review  
City of Beaverton, Oregon

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson  
City Recorder

\_\_\_\_\_  
Rob B. Drake  
Mayor

RESOLUTION NO \_\_\_\_\_

1                   **BOARD OF DESIGN REVIEW MINUTES**

2  
3                   **APRIL 20, 2006**

4  
5       **CALL TO ORDER:**

Chair Mimi Doukas called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

6  
7  
8  
9  
10       **ROLL CALL:**

Present were Chair Doukas; Board Members Hal Beighley, Walt Steiger, Nancy Scott, Forrest Soth, and Jennifer Nye. Board Member Walt Steiger and Hal Beighley were excused.

11  
12  
13  
14  
15  
16                   Senior Planner John Osterberg, Senior  
17                   Planner Colin Cooper, AICP, Associate  
18                   Planner Tyler Ryerson, and Recording  
19                   Secretary Sheila Martin represented staff.

20  
21  
22                   Chair Doukas read the format for the meeting and asked if any  
23                   member of the audience wished to address the Board on any non-  
24                   agenda item. There were none.

25  
26  
27       **STAFF COMMUNICATION**

28  
29       **WORKSESSION**

30       Board of Design Review Bylaws update.

31  
32       Senior Planner Colin Cooper discussed the proposed update to the  
33       Board of Design Review Bylaws, adding that the main purpose of  
34       updating the Board Bylaws is to allow for an automatic continuance of  
35       a public hearing under specific circumstances. He noted that Board  
36       Member Walt Steiger had met with him earlier in the week to discuss  
37       the proposed amendments to the BDR Bylaws, noting that he would  
38       not be in attendance at tonight's hearing.

39  
40       Referring to page 4, Section 5 (A), Mr. Cooper read the following: "The  
41       Secretary shall be the Director of their designee." He stated that Mr.  
42       Steiger suggested striking out the word "*their*" and inserting "*his/her*".  
43

Ms. Scott expressed her opinion that the word "*their*" should be struck, adding that it gives the impression that it's more than one person.

The Board agreed to change the wording from "*their*" to "*his/her*".

Referring to page 7, Section 8, Mr. Cooper pointed out the addition of new language as follows, adding that the intent to make this section more clear with regard to the presence of a quorum and a continuance.

"In the event a quorum will not be present at any meeting, the Secretary shall notify the board members in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified by the applicant in a request for a continuance as specified in Section 10, ~~in the Final Agenda for the meeting at which the quorum will not be present~~. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Board."

Mr. Cooper noted that ~~in the Final Agenda for the meeting at which the quorum will not be present~~ was struck because there are times when the continuance date is not indicated on the agenda since the agenda was prepared a week in advance. He stated that there may be a request for a continuance 5 days in advance that meets all the requirements written into Section 10, and as long as staff has communicated to the Board, that the Board is going to accept it, the Board does not need to attend.

The Board agreed to the changes on page 7, Section 8.

Referring to page 9, Section B.1.e., Mr. Cooper read the following:

- e. A statement that the 120 day rule or ORS 227.178 shall be tolled during the period of the continuance.

Mr. Cooper noted that it was suggested by Mr. Steiger to change the word "*tolled*" to make it more of a laypersons language.

Mr. Naemura suggested changing the word "*tolled*" to "*suspended*".

Mr. Cooper referred to page 10, Section 12, Minutes, subsection A last sentence, "*Executive sessions are excluded from published minutes.*"

DRAFT

1 noting that this is sort of a statement by way of informing the public.  
2 He questioned the statutory allowance for this.  
3

4 Mr. Soth suggested changing this sentence to read, "*discussions during*  
5 *Executive session are excluded from published minutes*", because  
6 whatever was discussed during executive sessions are not subject to  
7 any discussion outside of that session, except by the attorney.  
8

9 The Board agreed with Mr. Soth's suggestion.  
10

11 Mr. Soth **MOVED** and Ms. King **SECONDED** a motion that the Board  
12 approve the resolutions adopting revised bylaws and rules of procedure  
13 as outlined, discussed and corrected on April 20, 2006, to be finalized  
14 and returned to the Board for formal action when this has been  
15 accomplished.  
16

17 Motion **CARRIED** by the following vote:  
18

19 AYES: Soth, King, Nye, Scott, Steiger, and Doukas.  
20 NAYS: None.  
21 ABSTAIN: None.  
22 ABSENT: Beighley and Steiger.  
23

24 **MISCELLANEOUS BUSINESS:**  
25

26 The meeting adjourned at 8:40 p.m.

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** Bid Award – Relocation of 16"  
Waterline at Beaverton Creek Project

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06090

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Public Works *[Signature]*

**DATE SUBMITTED:** 05-22-06

**CLEARANCES:**

Purchasing  
Finance  
City Attorney  
Capital Proj

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:** 1. CIP Project Data Sheet/Map  
2. Bid Summary  
3. Funding Plan

### **BUDGET IMPACT**

EXPENDITURE REQUIRED *	AMOUNT BUDGETED *	APPROPRIATION REQUIRED *
---------------------------	----------------------	-----------------------------

- See attached Funding Plan (Exhibit 3).

### **HISTORICAL PERSPECTIVE:**

The Relocation of 16" Waterline at Beaverton Creek project is included in the FY 2005/06 Capital Improvements Plan (CIP) under CIP Project Number 8022 (Exhibit 1). This contract award is for Phase 1 only of a three phase project associated with the enhancement of the Beaverton Creek channel project. The purpose of the channel enhancement project is to reduce the severity of flooding in the vicinity of SW Cedar Hills Boulevard.

During the design of the Beaverton Creek Channel Enhancement project, it was found that the existing 16-inch waterline that is located within the north slope of Beaverton Creek would be exposed by the proposed grading associated with channel enhancement. The existing waterline, owned by Tualatin Valley Water District (TVWD), would need to be relocated prior to the channel enhancement project. Staff worked with the property owner and the operator of the Cedar Hills Crossing Mall to relocate the waterline to a new waterline easement in the parking lot along the south side of the Mall. TVWD will participate in the cost of the waterline relocation. TVWD has allocated \$50,000 towards the project and this amount would be reimbursed to the City.

The scope of Phase 1 is 610 lineal feet of 16-inch waterline and associated bends and valves.

Phase 2 is the grading and vegetative enhancement of approximately 800 feet of the Beaverton Creek channel between SW Hocken Avenue and SW Cedar Hills Boulevard. The design of Phase 2 is scheduled to be complete by the end of June; however environmental permitting will not be complete until next year. The construction of Phase 2 is scheduled for FY07-08, but is contingent on the approval of the Metro Nature in Neighborhoods Bond Measure.

Phase 3 is the replacement of two 84-inch culverts with a bridge, raising SW Hocken Avenue in the vicinity of the bridge by approx 6 feet, and connecting SW Dawson Way with SW Hocken Avenue. The construction of Phase 3 is not yet programmed.

**INFORMATION FOR CONSIDERATION:**

The invitation for bid was advertised in the *Daily Journal of Commerce* on May 2, 2006. Four (4) bids were received and opened on May 16, 2006 at 2:00 p.m. in the Finance Department conference room (Exhibit 2). K&R Plumbing of Clackamas, Oregon, submitted the lowest responsive bid in the amount of \$105,917.40. The overall bid amount is \$23,555 or 18% less than the Engineer's Estimate (Exhibit 3).

Staff recently reviewed the qualifications of K&R Plumbing for the Sandberg Subdivision Sanitary Sewer Rehabilitation project, awarded to K&R Plumbing by Council on May 8, 2006. K&R Plumbing received very high marks from all customers. Staff finds K&R Plumbing has satisfied the bid requirements to construct utility improvements in a built-up, urban environment.

With City Council approval of the bid award, a Notice to Proceed (NTP) would be issued to the Contractor on or about June 19, 2006. The project contract requires substantial completion, which includes all work other than punch-list corrections and final cleanup, within 45 days of the NTP. This means the project's estimated substantial completion date is August 2, 2006.

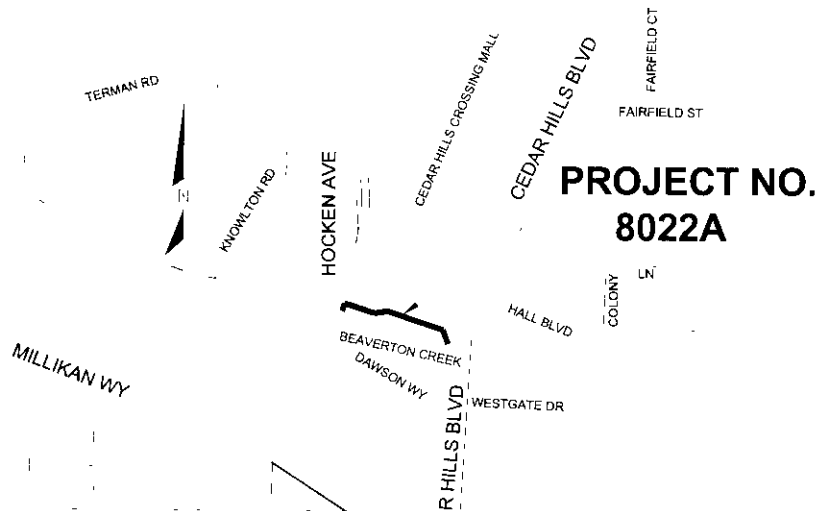
**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award the bid to K&R Plumbing in the amount of \$105,917.40, in a form approved by the City Attorney, as the lowest responsive bid received for the Relocation of 16" Waterline at Beaverton Creek Project.

Project Data

Project Number: 8022A  
Project Name: 16-inch Waterline Relocation at Beaverton Creek  
Project Description: Relocate 610 LF of 16-inch waterline prior to the Beaverton Creek Channel Enhancement project (Project No. 8022B) scheduled for construction in FY07-08. This project is for construction only. Project design was completed under Project 8022.

Map:



Project Justification: The existing 16-inch waterline is parallel to and within the existing slope of Beaverton Creek between Hocken Ave and Cedar Hills Blvd and will be exposed by the channel enhancement project if not relocated.

Project Status: Final design, specs and cost estimate were completed 2-17-2006. Project is to be bid in Apr 2006 and constructed in the May-Jul 2006 timeframe. TVWD is sharing in the cost of relocation in the amount of \$50,000. The project schedule was advanced in order to complete the work prior to the completion of the New Seasons remodel and parking lot improvements that are adjacent to the project site. The project was funded in FY05/06. Bids opened 5-16-06.

Estimated Date of Completion: 07/31/2006

Estimated Project Cost: \$140,000

First Year Budgeted: FY05/06

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
8022A	3915	Storm SDC Conveyance	\$140,000	FY2005/06
<u>Total for FY:</u>			\$140,000	



**BID SUMMARY****CITY OF BEAVERTON****TO:** Mayor & City Council**FROM:** Purchasing Division**SUBJECT:** Bid OpeningBids were opened on **MAY 16TH** at **2:00 PM** in the **FINANCE CONFERENCE ROOM**For: **RELOCATION OF 16" WATERLINE AT BEAVERTON CREEK PROJECT, FY 2005-06**

Witnessed by: JIM BRINK

<b>VENDOR NAME AND CITY, STATE</b>	<b>ACK ADDEN</b>	<b>BID BOND</b>	<b>BID AMOUNT</b>
<b>K &amp; R PLUMBING CONST., INC. CLACKAMAS, OR</b>	<b>X</b>	<b>X</b>	<b>\$105,917.40</b>
<b>CIVILWORKS NW VANCOUVER, WA</b>	<b>X</b>	<b>X</b>	<b>\$117,236.00</b>
<b>NW KODIAK CONST SHERWOOD, OR</b>	<b>X</b>	<b>X</b>	<b>\$108,023.00</b>
<b>LANDIS &amp; LANDIS PORTLAND, OR</b>	<b>X</b>	<b>X</b>	<b>\$158,488.20</b>

The Purchasing process has been confirmed.

Signed: *Terry L. Murralt*  
Purchasing Division-Finance Dept.The above amounts have been checked: **YES** NODate: 5-16-06**EXHIBIT 2**

Funding Plan - Relocation of 16" Waterline at Beaverton Creek					
Fund Number and Name	FY2005-06 Fund Budget	FY2005-06 Project Budget	Engineer's Estimate	Project Cost As Bid	
513-75-3915-682 Storm Water Conveyance Improvements	\$879,428	\$140,000	\$129,472	\$105,917	
Totals		\$140,000	\$129,472	\$105,917	(1)
(1) Of this \$105,917 TVWD will reimburse City \$50,000					

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon


**SUBJECT:** Proposed Water Consumption Rate  
and Demand (Meter) Charge  
Increase for Operating the City's  
Water System

**FOR AGENDA OF:** 06/05/06 **BILL NO:** 06091

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Finance 

**DATE SUBMITTED:** 05/02/05

**CLEARANCES:** City Attorney   
Public Words

**PROCEEDING:** Public Hearing

**EXHIBITS:** Resolution  
Agenda Bill 05100  
Agenda Bill 94187

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$-0-	BUDGETED \$-0-	REQUIRED \$-0-

### HISTORICAL PERSPECTIVE:

The City's current rate for water consumption (water use) is \$1.87 per CCF (100 cubic feet) of water, which is equivalent to approximately 748 gallons. The water consumption rate was last increased in January 2006 by 2.7% from \$1.82 to \$1.87 (copy of Agenda Bill 05100, Resolution 3816 attached). The January 2006 increase was the fourth annual increase since implementing the series of five annual rate increases that began in August 1994 and ended in August 1998 (copy of Agenda Bill 94187 and Resolution 3275 attached).

In addition to the water consumption rate, the City also charges a monthly demand charge (sometimes called a meter charge or a base charge), which is based upon the meter size. The standard meter size for a single-family residence is a 3/4 inch meter and the associated monthly demand (meter) charge is \$7.49. The demand (meter) charges were last increased in July 2005 also under Resolution 3816 (copy of Agenda Bill 05100 and Resolution 3816 attached).

### INFORMATION FOR CONSIDERATION:

The FY 2006-07 Proposed Budget includes a recommended five-cent increase (2.7%) in the water consumption rate from \$1.87 to \$1.92 per CCF beginning January 1, 2007. The proposed five-cent water consumption rate increase will produce an additional \$70,000 in operating revenue for the last half of FY 2006-07 (January 2007 to June 2007). The effect of the increase on the average single-family residence that consumes six CCF of water per month would be 30 cents a month or \$3.60 per year.

The FY 2006-07 Proposed Budget also includes a recommended 3.0% increase to the various monthly demand (meter) charges beginning July 1, 2006. The proposed 3.0% demand (meter) charge increase will produce an additional \$53,000 in operating revenue for FY 2006-07. The effect of the demand (meter) charge increase on the average single-family residence with a 3/4 inch meter would be 22 cents a month or \$2.64 per year.

In total, the Water Fund's FY 2006-07 Proposed Budget is expected to generate revenues of \$6,485,000 for water consumption charges (this figure includes the additional \$70,000 from the

Agenda Bill No. 06091

proposed rate increase), \$1,879,109 for demand (meter) charges (this figure includes the additional \$50,500 from the proposed rate increase), \$320,000 in interest income, \$145,000 in lease payments from Joint Water Commission partners, and \$61,228 in other revenues for a combined revenue stream of \$8,890,337 for FY 2006-07. The Water Fund's revenues provide the resources for the water system's operating costs, which for the FY 2006-07 Proposed Budget are as follows:

Personal Services	\$1,537,492	
Materials and Services	2,754,919	
Capital Outlay	1,109,232	(Equipment and new Maintenance and Replacement projects)
Transfers	715,276	
Debt Service	<u>2,837,492</u>	
Total Expenses	\$8,954,411	

Based upon FY 2006-07's proposed revenues of \$8,890,337 and expenditures of \$8,954,411, the recommended rate increases will maintain the Water Fund's revenue stream in line with its expenditure stream.

The City's upcoming \$10 million Water Revenue Bond issue was recently rated by Moody's Investors Service and Standard and Poor's. Moody's upgraded the City's rating by one grade from A2 to A1 and Standard and Poor's upgraded the City's rating by two grades from A+ to AA. Both rating agencies stated that one of the reasons for the rating upgrade was the City's annual review and adjustment of water rates and charges. The rating agencies prefer to see governmental agencies enact annual incremental rate adjustments rather than defer annual rate adjustments that usually result in larger rate increases on a sporadic basis.

Beaverton's City Code 4.02.150 provides that the City's water rates and charges be established by Council resolution. Attached is a resolution that establishes the new water consumption rate of \$1.92 per CCF and the 3.0% increase to the various demand (meter) charges (by meter size).

**RECOMMENDED ACTION:**

Council

- Conduct a Public Hearing on the proposed three-cent increase to the water consumption rate from \$1.87 to \$1.92 per CCF, and the proposed 3.0% increase to the various demand (meter) charges;
- Adopt the attached resolution that establishes the \$1.92 CCF water consumption rate and the 3.0% increase in the various demand (meter) charges.

RESOLUTION NO. 3859

A RESOLUTION ESTABLISHING A NEW WATER  
CONSUMPTION RATE FOR THE CITY OF  
BEAVERTON AND REPEALING RESOLUTION 3816

**WHEREAS**, the City's water system has experienced increased expenditure requirements for operations, maintenance and capital construction; and,

**WHEREAS**, the Water Fund's FY 2006-07 Proposed Budget recommends a five-cent increase in the water consumption (use) rate beginning January 1, 2007 and a 3.0% increase to the various demand (meter) charges beginning July 1, 2006 and the revenues associated with the increased water consumption and demand (meter) charges are included in the FY 2006-07 Proposed Budget in order to maintain a balance between the Water Fund's revenues and expenditures; and,

**WHEREAS**, Beaverton City Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

Section 1. Water Rate Structure: The City's charges for domestic water are as follows:

Water Consumption (Use) Rate Effective January 1, 2007      \$1.92

Demand (Meter) Charges Effective July 1, 2006:

¾" Meter	\$ 7.71
1" Meter	\$ 12.14
1-1/2" Meter	\$ 19.54
2" Meter	\$ 28.43
3" Meter	\$ 49.14
4" Meter	\$ 78.76
6" Meter	\$152.76
8" Meter	\$187.33

Section 2. Resolution 3816 establishing the previous rate and demand charges is hereby repealed.

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Proposed Water Consumption Rate  
and Demand (Meter) Charge  
Increase for Operating the City's  
Water System

**FOR AGENDA OF:** 05/16/05 **BILL NO:** 05100

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Finance *[Signature]*

**DATE SUBMITTED:** 05/02/05

**CLEARANCES:** City Attorney *[Signature]*  
Engineering *[Signature]*

**PROCEEDING:** Public Hearing

**EXHIBITS:** Resolution  
Agenda Bill 04216  
Agenda Bill 94187  
Agenda Bill 04200

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$-0-	BUDGETED \$-0-	REQUIRED \$-0-

### HISTORICAL PERSPECTIVE:

The City's current rate for water consumption (water use) is \$1.82 per CCF (100 cubic feet) of water, which is equivalent to approximately 748 gallons. The water consumption rate was last increased in January 2005 by 1.7% from \$1.79 to \$1.82 (copy of Agenda Bill 04216 and Resolution 3784 attached). The January 2005 increase was the third annual increase since implementing the series of five annual rate increases that began in August 1994 and ended in August 1998 (copy of Agenda Bill 94187 and Resolution 3275 attached).

In addition to the water consumption rate, the City also charges a monthly demand charge (sometimes called a meter charge or a base charge), which is based upon the meter size. The standard meter size for a single-family residence is a 3/4 inch meter and the associated monthly demand (meter) charge is \$7.27. The demand (meter) charges were last increased in August 1998 under Resolution 3275 and revised in October 2004 under Resolution 3781 to include a rate for an eight inch meter (copy of Agenda Bill 04200 and Resolution 3781 attached).

### INFORMATION FOR CONSIDERATION:

The FY 2005-06 Proposed Budget includes a recommended five-cent increase (2.7%) in the water consumption rate from \$1.82 to \$1.87 per CCF beginning January 1, 2006. The proposed five-cent water consumption rate increase will produce an additional \$72,200 in operating revenue for the last half of FY 2005-06 (January 2006 to June 2006). The effect of the increase on the average single-family residence that consumes six CCF of water per month would be 30 cents a month or \$3.60 per year.

The FY 2005-06 Proposed Budget also includes a recommended 3.0% increase to the various monthly demand (meter) charges beginning July 1, 2005. The proposed 3.0% demand (meter) charge increase will produce an additional \$50,500 in operating revenue for FY 2005-06. The effect of the demand (meter) charge increase on the average single-family residence with a 3/4 inch meter would be 22 cents a month or \$2.64 per year.

In total, the Water Fund's FY 2005-06 Proposed Budget is expected to generate revenues of \$6,615,943 for water consumption charges (this figure includes the additional \$72,200 from the proposed rate increase), \$1,733,255 for demand (meter) charges (this figure includes the additional \$50,500 from the proposed rate increase) , and \$604,820 in other revenues for a combined revenue stream of \$8,954,018 for FY 2005-06. The Water Fund's revenues provide the resources for the water system's operating costs, which for the FY 2005-06 Proposed Budget are as follows:

Personal Services	\$1,465,829	
Materials and Services	2,538,778	
Capital Outlay	1,324,149	(Equipment and Maintenance and Replacement projects)
Transfers	715,316	
Debt Service	<u>2,946,807</u>	
Total Expenses	\$8,990,879	

Based upon FY 2005-06's proposed revenues of \$8,954,018 and expenditures of \$8,990,879, the recommended rate increases will maintain the Water Fund's revenue stream in line with its expenditure stream.

Beaverton's City Code 4.02.150 provides that the City's water rates and charges be established by Council resolution. Attached is a resolution that establishes the new water consumption rate of \$1.87 per CCF and the 3.0% increase to the various demand (meter) charges (by meter size).

**RECOMMENDED ACTION:**

**Council**

- Conduct a Public Hearing on the proposed three-cent increase to the water consumption rate from \$1.82 to \$1.87 per CCF, and the proposed 3.0% increase to the various demand (meter) charges;
- Adopt the attached resolution that establishes the \$1.87 CCF water consumption rate and the 3.0% increase in the various demand (meter) charges.

RESOLUTION NO. 3816

A RESOLUTION ESTABLISHING A NEW WATER  
CONSUMPTION RATE FOR THE CITY OF  
BEAVERTON AND REPEALING RESOLUTION 3784

**WHEREAS**, the City's water system has experienced increased expenditure requirements for operations, maintenance and capital construction; and,

**WHEREAS**, the Water Fund's FY 2005-06 Proposed Budget recommends a five-cent increase in the water consumption (use) rate beginning January 1, 2006 and a 3.0% increase to the various demand (meter) charges beginning July 1, 2005 and the revenues associated with the increased water consumption and demand (meter) charges are included in the FY 2005-06 Proposed Budget in order to maintain a balance between the Water Fund's revenues and expenditures; and,

**WHEREAS**, Beaverton City Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

Section 1. Water Rate Structure: The City's charges for domestic water are as follows:

Water Consumption (Use) Rate Effective January 1, 2006      \$1.87

Demand (Meter) Charges Effective July 1, 2005:

¾" Meter	\$ 7.49
1" Meter	\$ 11.79
1-1/2" Meter	\$ 18.97
2" Meter	\$ 27.60
3" Meter	\$ 47.71
4" Meter	\$ 76.47
6" Meter	\$148.31
8" Meter	\$181.87

Section 2. Resolution 3784 establishing the previous rate and demand charges is hereby repealed.

Adopted by the Council this 16th day of May, 2005.

Approved by the Mayor this 17th day of MAY, 2005

Ayes: 3

Nays: 0

ATTEST:

*Catherine L. Janson*  
Deputy City Recorder for  
Sue Nelson, City Recorder

APPROVED:

*Rob Drake*  
Rob Drake, Mayor

RESOLUTION NO. 3816

Agenda Bill No. 05100



**AGENDA BILL**

Beaverton City Council  
Beaverton, Oregon

**SCANNED**

**SUBJECT:** A resolution establishing a new water  
rate structure for the City

**FOR AGENDA OF:** 06-27-94 **BILL NO:** 94-187

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** Finance [Signature]

**DATE SUBMITTED:** June 17, 1994

**CLEARANCES:** Finance UK  
City Attorney WS

**PROCEEDING:** PUBLIC HEARING

**EXHIBITS:** Water Rate Structure For  
FY95 - FY99

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**HISTORICAL PERSPECTIVE:**

The City's water system faces increased expenditure requirements for operation and maintenance, and the consulting firm of CH2M Hill has updated and reviewed the City's water rates, using the water rate model they developed in 1992.

**INFORMATION FOR CONSIDERATION:**

Beaverton Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution.

**RECOMMENDED ACTION:**

Hold a public hearing regarding new water rates.

Agenda Bill No: 94-187

RESOLUTION NO. 3275

A RESOLUTION ESTABLISHING A NEW WATER RATE STRUCTURE FOR  
THE CITY OF BEAVERTON AND REPEALING RESOLUTION 3192

WHEREAS, the City's water system faces increased expenditure requirements for operation and maintenance; and,

WHEREAS, the consulting firm of CH2M Hill has updated and reviewed the City's water rates using the water rate model they developed in 1992; and,

WHEREAS, Beaverton Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; and,

THEREFORE, be it resolved by the Council of the City of Beaverton, Oregon

Section 1. Water Rate Structure. The City's charges for domestic water and the effective dates for those charges are those shown on Exhibit A, attached hereto and incorporated as part of this resolution.

Section 2. Resolution No. 3192 establishing the old rates hereby is repealed.

Adopted by the Council this 11th day of July 1994.

Approved by the Mayor this 13th day of July 1994.

Ayes: 5

Nays: 0

ATTEST

APPROVED.

Darleen Cogburn  
Darleen Cogburn, City Recorder

Rob Drake  
Rob Drake, Mayor

Resolution No. 3275

5

**EXHIBIT "A"**

<u>Item</u>	<u>FY1995</u>	<u>FY1996</u>	<u>FY1997</u>	<u>FY1998</u>	<u>FY1999</u>
<b>Effective Date:</b>	1-Aug-94	1-Jul-95	1-Jul-96	1-Jul-97	1-Jul-98
<b>Meter Charge:</b>					
3/4" Meter	\$5.57	\$6.10	\$6.53	\$6.92	\$7.27
1"	8.78	9.62	10.29	10.91	11.45
1-1/2"	14.13	15.47	16.55	17.54	18.42
2"	20.55	22.51	24.08	25.53	26.80
3"	35.52	38.90	41.62	44.12	46.32
4"	56.93	62.34	66.70	70.70	74.24
6"	110.42	120.91	129.37	137.14	143.99
<b>Volume Charge:</b>					
	\$1.31	\$1.44	\$1.54	\$1.63	\$1.71

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** Regulation of Payday Loan Businesses

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06092

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 05-25-06

**CLEARANCES:** Finance 

**PROCEEDING:** Work session

**EXHIBITS:** Draft Ordinance

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

The City of Beaverton currently has six payday loan businesses. Citizens have raised concerns that the operation of these businesses are detrimental to the financial security of individuals and families living in the City. Payday loan businesses can have an adverse impact on the most vulnerable members of our society such as the elderly, the poor, and recent immigrants.

### **INFORMATION FOR CONSIDERATION:**

Payday loans are short term loans, typically for an initial term of 14 days or less, depending on the date of the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan and these fees amount to annual interest rates which exceed 500%. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14 day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees that nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. Both the City of Portland and City of Gresham have adopted ordinances that add to state regulations by allowing borrowers to:

- \*rescind their loans within a 24-hour period
- \*repay at least 25% of their loans before rolling them over or renewing them and
- \*repay their loan via installment plans if they roll over their loan more than three times

Several of the payday loan businesses filed a lawsuit in Multnomah County Circuit Court seeking declaratory judgment that state law preempts cities from adopting such regulations. Recently the Court decided against the industry and that decision was not appealed. Also, the Legislature adopted SB 1105. The operative provisions of this law are different from the provisions of the local government adopted ordinances. SB 1105 capped interest rates at 35% annually, limited fees to \$10 per \$100 borrowed, gave people 31 days to pay off their loan and limited rollover to two. The law will not go into effect until July 2007.

### **RECOMMENDED ACTION:**

Work session

**Agenda Bill No:** 06092

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING PROVISIONS OF  
CHAPTER SEVEN OF THE BEAVERTON CITY CODE  
ESTABLISHING REGULATIONS ON PAYDAY LENDING

**WHEREAS**, Chapter Seven of the Beaverton Code provides for licensing and regulation of businesses operating in the City of Beaverton as Payday lenders previously have not been subject to regulatory licensing by the City of Beaverton; and,

**WHEREAS**, the Council finds that these businesses should be regulated by the City because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan; and,

**WHEREAS**, payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates which exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum; and,

**WHEREAS**, the purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon; and,

**WHEREAS**, the need for local regulation is critical to protect the short and long-term financial security of working citizens struggling to lift their families out of poverty; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 7, Licenses, Permits and Business Regulations of the Beaverton Code is amended to establish "REGULATIONS ON PAYDAY LENDING," to be added at Sections BC 7.12.005 – 7.12.060, and shall read as follows:

**"7.12.005 Purpose.**

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to

rescind a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

**7.12.010 Definitions.** For the purpose of this Ordinance, unless the context requires otherwise, the following mean:

**Borrower** - A natural person who receives a payday loan.

**Cancel** - To annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.

**Mayor** - The City Mayor or designee.

**Payday Lender** - A lender in the business of making payday loans as defined by state law.

**Payday Loan** - A payday loan as defined by state law.

**Principal** - The original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

**7.12.015 Permits.**

Within 60 days of the effective date of this Ordinance, any Payday Lender operating in the City of Beaverton shall apply for and obtain a permit to operate as a Payday Lender. Permits shall be required for each location a lender operates in the City of Beaverton and shall be renewed annually. The application shall be in a form to be determined by the Mayor. The Mayor shall require the Payday Lender to report its fee schedule in the Payday Lender's permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Beaverton. The amount of the fee shall be set by Council resolution.

**7.12.020 Administrative Authority.**

A. The Mayor is authorized and directed to enforce all provisions of this Ordinance. The Mayor shall have the power to investigate any and all complaints regarding alleged violations of this Ordinance. The Mayor may delegate any or all authority granted under this Section to a designee.

B. The Mayor is authorized to adopt and enforce rules interpreting and applying this Ordinance. The Mayor shall make written findings of fact and conclusions of law to support all decisions.

C. The City of Beaverton reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Mayor.

**7.12.025 Cancellation of Payday Loan.**

A. A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:

1. Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and
2. Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.

B. A Payday Lender shall conspicuously disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

**7.12.030 Renewals of Payday Loans**

A Payday Lender shall not renew an existing payday loan more than two times.

**7.12.035 Payment of Principal Prior to Payday Loan Renewal.**

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

**7.12.040 Payment Plan for a Payday Loan.**

A. A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.

B. A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after two renewals of the loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

C. After a Payday Loan has been renewed twice, and prior to Payday Lender declaring a default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.

D. The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.

E. The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for prepayment of the payment plan.

F. A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Ordinance. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Ordinance.

**7.12.045 Remedies.**

A. Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Mayor may impose a civil penalty of up to \$1,500.00 for a substantial violation of this Ordinance or the administrative rules. A substantial violation is a violation having an impact on the public, as determined by the Mayor, that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.

B. Civil penalties shall be payable to the City of Beaverton.

C. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.

D. No civil penalties shall be assessed within 60 days of the effective date of this Ordinance

**7.12.050 Appeals.**

Any person upon whom a civil penalty has been imposed, or who has been directed by the Mayor to resolve a complaint, may appeal by filing a notice of appeal with the Mayor. The Mayor shall consider the appeal.

**7.12.055 Complaints.**

A. The Mayor shall have the authority to investigate any and all complaints alleging violation of this Ordinance or administrative rules.

B. The Mayor may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Mayor shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.



C. The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Mayor by telephone or in writing within two (2) business days from initial contact by the Mayor.

D. If the proposed resolution is satisfactory to the Mayor, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Mayor.

E. If the proposed resolution is not satisfactory to the Mayor, the Mayor shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided in BC 7.12.030. In the event of imposition of remedies, the Payday Lender may appeal as provided in BC 7.12.035.

**7.12.060 Severability.**

If any provision of this Ordinance, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Ordinance and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Ordinance shall be severed.”

First reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

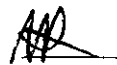
**SUBJECT:** An Ordinance Relating To The  
Building Code Amending Beaverton  
Code Section 8.02.015 (A)

**FOR AGENDA OF:** 06-05-06 **BILL NO:** 06093

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 5-8-06

**CLEARANCES:** City Attorney 

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A: Appendix G Flood  
Resistant Construction

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

Beaverton Code Sections 9.05.005 through 9.05.170 and Development Code Section 60.10.10 regulate development in flood hazard areas. The codes require buildings and structures located within a flood hazard area to be elevated above the base flood elevation or be flood-proofed to an acceptable standard of practice; however, the current codes do not identify the acceptable standards of practice for flood-proofing buildings or structures. Beaverton Code Sections 8.02.015 (A) through (G) adopts the State Building Codes as required by Oregon Revised Statutes. The State Building Codes include Appendix G Flood Resistant Construction that can be adopted by the City. Appendix G contains nationally-recognized and accepted standards for construction materials, methods, and practices that minimize flood damage to buildings.

### **INFORMATION FOR CONSIDERATION:**

Providing nationally-recognized standards for construction materials, methods, and practices that minimize flood damage to buildings; and protects the safety, welfare, and livability of the citizens in the City. Building designers benefit from a specified set of standards with which to design buildings or structures when they are located within a flood hazard area.

### **RECOMMENDED ACTION:**

First Reading

ORDINANCE NO. 4393

AN ORDINANCE RELATING TO THE BUILDING CODE AMENDING BEAVERTON  
CODE SECTION 8.02.015 (A)

- WHEREAS,** Current Beaverton Code Section 9.05.060 and Development Code 60.10.10 regulate development in flood hazard areas; however, they do not have standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** The current Beaverton Code does not have standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** The State Building Code contains Appendix G Flood Resistant Construction that can be adopted by the City as necessary to provide standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** Amending portions of Appendix G is necessary to provide standards for construction materials, methods, and practices that minimize flood damage to buildings and not conflict with the City or Development Codes; now, therefore:

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 8.02.015(A) is amended to read as follows:

8.02.015 State Codes. The following State Specialty Codes are adopted as part of the Beaverton Code except as otherwise provided in this ordinance:

- A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 ("Structural Specialty Code") including Appendix G Flood Resistant-Construction Sections: G101, G102, G103.1 through 103.3, G103.8, G104.1, G105, G201, G401.3 through G401.5, and G501 through G702, as amended.

**Section 2.** The Structural Specialty Code Appendix G Flood Resistant Construction is amended to read as indicated in the attached Exhibit A.

First reading this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## **APPENDIX G FLOOD-RESISTANT CONSTRUCTION**

### **SECTION G101 ADMINISTRATION**

**G101.1 Purpose.** The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding;
2. Manage the alteration of natural flood plains, stream channels and shorelines;
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the flood plain.

**G101.2 Objectives.** The objectives of this appendix are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the flood plain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

**G101.3 Scope.** The provisions of this appendix shall apply to all proposed development in a flood hazard area established in Section G102.2.

**G101.4 Violations.** Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be handled in accordance with BC 8.01.900 and 8.02.020.

### **SECTION G102 APPLICABILITY**

**G102.1 General.** This appendix, in conjunction with the Oregon Structural Specialty Code (OSSC), provides minimum requirements for development located in flood hazard areas, including the installation of utilities, placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction and substantial improvement of existing buildings and structures, including restoration after damage.

**G102.2 Establishment of flood hazard areas.** Flood hazard areas are established by BC 9.05.015 and the City of Beaverton Development Code, Ordinance 2050, Section 60.10.10.

### **SECTION G103 POWERS AND DUTIES**

**G103.1 Permit applications.** The building official shall review all building permit applications to determine whether the development sites will be reasonably safe from flooding. If a proposed development site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with this code and ASCE 24.

**G103.2 Other permits.** It shall be the responsibility of the building official to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

**G103.3 Determination of design flood elevations.** If design flood elevations are not specified, the building official is authorized to require the applicant to:

1. Obtain, review and reasonably utilize data available from a federal, state or other source, or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a registered design professional. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

**G103.4 through G103.7: Not Adopted.**

**G103.8 Records.** The building official shall maintain a permanent record of all building permits issued in flood hazard areas including copies of inspection reports and certifications required by OSSC Section 1612.

## **SECTION G104: PERMITS**

**G104.1 Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permits as required in the OSSC.

**G104.2 through 104.5: Not Adopted.**

## **SECTION G105 VARIANCES**

**G105.1 General.** The board of appeals established pursuant to BC 8.02.030 shall hear and decide requests for variances on buildings and structures and their appurtenances regulated by this Appendix. The board of appeals shall base its determinations on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objective of this appendix and Section 1612 of the OSSC.

**G105.2 Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance.

**G105.3 Historic structures.** A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**Exception:** Within flood hazard areas, historic structures that are not:

- a. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- b. Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district;
- c. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

**G105.4 Functionally dependent facilities.** A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and create no additional threats to public safety.

**G105.5 Restrictions.** The board of appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

**G105.6 Considerations.** In reviewing applications for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**G105.7 Conditions for issuance.** Variances shall only be issued by the board of appeals upon:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate;
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **DEFINITIONS**

**G201.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the OSSC for general definitions.

### **G201.2 Definitions.**

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and as further defined by ORS 446.003. For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**RECREATIONAL VEHICLE.** A vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and specifically includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicle does not include a station wagon, sports utility vehicle, van, bus, truck cab-over, utility vehicle or special use vehicle capable of providing eating or sleeping facilities unless the vehicle is also equipped with a holding tank, liquid petroleum gas or a 110 to 240 volt electrical systems to be used in conjunction with the eating or sleeping facilities. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. For floodplain regulation purposes, such vehicles shall be fully licensed and ready for highway use on wheels or jacking system and attached to the land only by quick disconnect type utilities and security devices and have no permanently attached additions.

**VARIANCE.** A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION.** A development that is not fully compliant with this appendix or Section 1612, as applicable.

## **SECTION G301: Not Adopted SUBDIVISIONS**

### **SECTION G401**

#### **SITE IMPROVEMENT**

**G401.1 through G401.2: Not Adopted.**

**G401.3 Sewer facilities.** All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems

shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

**G401.4 Water facilities.** All new replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

**G401.5 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

## **SECTION G501**

### **MANUFACTURED HOMES**

**G501.1 Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

**G501.2 Foundations.** All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612 of the OSSC.

**G501.3 Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

## **SECTION G601**

### **RECREATIONAL VEHICLES**

**G601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

**G601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

**G601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G501 for manufactured homes.

## **SECTION G701**

### **TANKS**

**G701.1 Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydraulic loads, including the effects of buoyancy, during conditions of the design flood.

**Above-ground tanks.** Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation or shall be anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**Tank inlets and vents.** In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:



1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.

2. Anchored to prevent lateral movement resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### **SECTION G701**

#### **REFERENCED STANDARDS**

ASCE 24-98 Flood Resistance Design G103.1, and Construction 401.3, G401.4

HUD 24 CFR Manufactured Homes G201

Part 3280 -94 Construction and Safety Standards, 1994

IBC-2003 International Building Code G102.2

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

06/05/06

**SUBJECT:** TA 2006-0002 (Floodplain Text  
Amendment)

**FOR AGENDA OF:** 05-15-06 **BILL NO:** 06084

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** CDD [Signature]

**DATE SUBMITTED:** 5-02-06

**CLEARANCES:** City Attorney [Signature]  
Dev. Serv. [Signature]

**PROCEEDING:** First Reading

Second Reading and Passage

**EXHIBITS:** 1. Ordinance  
2. Land Use Order No. 1856  
3. Draft PC Minutes  
4. Staff Report dated 03-28-06

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

On April 5, 2006, the Planning Commission held a public hearing to consider TA 2006-0002 (Floodplain Text Amendment) to amend the Beaverton Development Code currently effective through Ordinance 4382 (April 2006) to amend portions of the City's existing Floodplain regulations to be in conformance with Federal Emergency Management Agency recommendations for the Northwest Region. The proposed changes are minor and intended to improve clarity of the Floodplain regulations. The proposed changes do not cause additional regulatory impact to any property owners. Affected chapters of the Development Code include Chapter 60 (Special Regulations) and Chapter 90 (Definitions). Following the close of the public hearing on April 5, 2006, the Planning Commission voted 5-0 (Pogue and Stephens absent) to recommend approval of the proposed Floodplain Text Amendment, as memorialized in Land Use Order No. 1856.

### **INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1856, the draft Planning Commission meeting minutes, and staff report.

### **RECOMMENDED ACTION:**

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2006-0002 (Floodplain Text Amendment) as set forth in Land Use Order No. 1856. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4392

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTERS 60 and 90;  
TA 2006-0002 (Floodplain Text Amendment).

**WHEREAS**, the purpose of the Floodplain Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4382 (April 2006) to clarify terms and definitions related to floodplain maps and the use of recreational vehicles as dwelling units. Affected chapters of the Development Code include Chapter 60 (Special Regulations) and Chapter 90 (Definitions); and

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on March 28, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on April 5, 2006; and,

**WHEREAS**, the Planning Commission held a public hearing on April 5, 2006 and approved the proposed Floodplain Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated March 28, 2006, and as amended at the hearing; and

**WHEREAS**, on April 5, 2006 the Planning Commission conducted a public hearing for TA 2006-0002 (Floodplain) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1856; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0002 (Floodplain) following the issuance of the Planning Commission Land Use Order No. 1856; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1856 dated April 21, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2050, effective through Ordinance No. 4382, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

**Section 2.** All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 15<sup>th</sup> day of May, 2006.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## **EXHIBIT A**

**Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10, will be amended to read as follows:**

\*\*\*\*\*

### **60.10.10. Floodplain Designation.**

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Department of Homeland Security's Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated February 18, 2005, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. In addition, the Letter of Final Determination, dated August 18, 2004, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, effective February 18, 2005, revises portions of the 1984 and 1987 studies and maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. (ORD 3563) [ORD 4337; January 2005]

2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or if a development application is received for a site where a floodplain is unclear or lacks an established elevation, the City Engineer shall ~~may request~~ require the concerned person or applicant to provide a detailed hydraulic data report prepared in accordance with standard engineering practice by a registered engineer with background in the area of hydrology and hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. The report must document the base flood elevation and specific limits of inundation

within a floodplain designated on a FIRM map in Zone A or in Zone AO or along a stream corridor beyond the FIRM studied limits. After review of the available data and the report, the floodplain base flood elevation shall be established by the City Engineer and shall be used and have the same effect as a FIRM-determined base flood elevation.

All applicable floodplain regulations for preservation of flood conveyance and flood storage of sites and building elevation requirements shall be determined from the base flood elevation as established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

**Section 2: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10.20, will be amended to read as follows:**

\*\*\*\*\*

- 60.10.20. Commercial and Industrial Uses in the Floodway Fringe.** All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:
1. Meets the requirements of Beaverton Code Section 9.05;
  2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;
  3. Meets the requirements of the ~~Unified Sewerage Agency~~ Clean Water Services District Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002]

\*\*\*\*\*

\*\*\*\*\*

- 60.10.25. Residential Uses in the Floodway Fringe.**
2. All other residential uses, if allowed in the primary zone, are allowed only as conditional uses in the floodway fringe. The request for a Conditional Use shall be processed and reviewed in the manner set forth in this ordinance. In addition to all other findings of fact required to be made in order to grant the Conditional

Use, the following findings shall also be made: [ORD 4155; April 2001]

A. The proposed development meets all the site and building design standards and requirements of the Beaverton Code Section 9.05, and the technical standards of this ordinance; and [ORD 4155; April 2001]

\*\*\*\*\*

6. All manufactured homes otherwise allowed to be placed or substantially improved within the floodplain ~~FIRM zones A1-A30 and AO~~ shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is not less than one foot or above the base flood elevation, be flood proofed to or above that level together with attendant utility services composed of flood resistant materials, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Beaverton Code Section 9.05. Site Development Code. (ORD 3563) [ORD 4155; April 2001]
7. In the floodplain, the long-term storage, permanent placement, or installation of recreational vehicles on the land is prohibited

\*\*\*\*\*

**Section 3: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 90 – Definitions, will be amended to read as follows:**

**Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Synonymous with Flood Management Area and Floodplain. (ORD 3563)

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". ~~Designation on maps always includes the letters A or V.~~ (ORD 3563)

**Basement.** A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from the floor to its ceiling, below the average adjoining finished grade. For floodplain regulation purposes in determining building elevation requirements, this shall include any area having its floor subgrade (below ground level) on all sides.

**Flood Management Area.** [ORD 4155; April 2001] Pursuant to CWS Design and Construction Standards, the area of inundation that encompasses the floodplain, or the area of special flood hazard, consisting of the following: Land identified

within the 100 year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps and land identified in updated flood studies or any other authoritative data documenting flood elevations, as approved by the City Engineer. **Synonymous with Area of Special Flood Hazard and Floodplain.**

**Floodplain.** The zone along a watercourse enclosed by the outer limits of land which is subject to inundation or affected by hydraulic connection in its natural or lower revised contours by the base flood. **Synonymous with Area of Special Flood Hazard and Flood Management Area.**

**Flood Surface Elevation.** Those elevations to which flood waters will rise at a given location for a specified flood or base flood if not otherwise specified. The elevations are referenced to the National Geodetic Vertical Datum of 1929 or as determined by the City Engineer..

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (ORD 3563)

**Recreation Vehicle or Recreational Vehicle.** A boat, camper, self-propelled motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational, camping, seasonal, and vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. For floodplain regulation purposes, such vehicles shall be fully licensed and ready for highway use on wheels or jacking system and attached to the land only by quick disconnect type utilities and security devices and have no permanently attached additions.